IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN M. JUNGCLAUS,

Plaintiff

NO. 17-cv-04462-RK

 \mathbf{v} .

WAVERLY HEIGHTS, LTD.,

Jury Trial Demanded

Defendant :

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN M. JUNGCLAUS

Plaintiff

VS.

No. 17-CV-04462-RK

WAVERLY HEIGHTS, LTD., THOMAS P. GARVIN and JOHN and JANE DOES NUMBERS 1-21

Defendant

Deposition of KATHLEEN M. JUNGCLAUS, taken by and before Michelle A. Katulka, Registered Professional Reporter, at the law offices of Eastburn and Gray, P.C., 60 East Court Street, Doylestown, Pennsylvania, on Thursday, November 1, 2018, commencing at 1:33 p.m., prevailing time.

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okay, because it's nothing more than an attempt to intimidate my client. Secondly, I have been animated about the kind of hate that's been spewing out of Waverly. One of the reasons that I'm particularly animated about it and shouldn't -- and will not zip my mouth about it, according to Ms. Deon, is the fact that my old synagogue was shot up in Pittsburgh and people who I know died on Saturday. And since that time, I've had to continually review this hate that was memorialized in only the partial amount of emails that were circulated by Mr. Soltis and produced in this matter. I have reason to

believe there are more of them.

So I want you to understand that what I'm saying is not in the nature of an apology, but perhaps an explanation for my zealousness, thank you.

KATHLEEN M. JUNGCLAUS, having been duly sworn, was examined and testified as follows:

MS. DEON: And in response just briefly to

Mr. Schwartz's opening remarks, when I asked him to zip his mouth off the record and to act in a professional manner, it was in response to him yelling across the table that my client is a racist or engages in racist emails, or any other number of personal attacks that he's made against my client today.

I'm also unaware of a rule and he's not cited to one that would mandate that I'm not permitted to have both of these representatives, one who was Chairman of the Board during the time of these and is a representative even today as a current board member of Waverly, as well as the CEO and President.

MR. SCHWARTZ: Well --

MS. DEON: So I'm going to continue --

MR. SCHWARTZ: In response I'm going to — in response I'm going to say that the objection to Mr. Jungclaus being here is because he was a witness. Mr. Bauer is going to be a witness, he's going to have a long deposition, okay?

And in terms of the racist stuff, we'll be able to substantiate that not only did he receive the hate emails and the racist garbage that prevails amongst his fellow board members,

but he circulated it to others, including his wife.

MS. DEON: My ob --

MR. SCHWARTZ: So, again, he's going to be a witness and we're going to spend a lot more than a half an hour with him, Miss Sommers, Mr. Garvin and lots of other board members, okay?

MS. DEON: You don't think he meant you?

MS. SOMMERS: No, I don't think he meant
me.

MR. SCHWARTZ: You know who I meant. You know, the anonymous letter-writer, Miss Sommers, okay?

MS. DEON: Are you done? MR. SCHWARTZ: So far.

MS. DEON: My objection had nothing to do
with Mr. Jungclaus being a witness, it had to do
with the fact that he's neither a party, nor
affiliated with the corporate entity, that was
the nature of the objection properly stated.

And further, there will be confidential business matters and proprietary matters that are discussed during the course of this deposition which are not anything that he should

be privy to.

MR. SCHWARTZ: There's nothing that is or will be confidential about this deposition, let me assure you. So you kindly ask questions that you can assume will be in The New York Times.

MS. DEON: Okay, well, then on that basis we're going to have to take a break, because you're not sharing confidential information --

MR. SCHWARTZ: There is not going to be any confidentiality according -- accorded to your deposition, or anything else.

MS. DEON: Okay.

MR. SCHWARTZ: There's not an order, there's not an agreement. You're a community institution that is highly regarded, you shouldn't have anything to be afraid of.

MS. DEON: So, Mr. Schwartz, if we discuss business records that are of a proprietary nature, you're sitting here representing that you're going to take that information and you're going to give it to The New York Times.

MR. SCHWARTZ: It depends what it is. I think I've — I've learned from a client a long time ago that when I ask a question or give an answer, I should assume that it might be printed

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KATHLEEN M. JUNGCLAUS
Plaintiff:

vs. : No. 17-CV-04462-RK

WAVERLY HEIGHTS, LTD.. : THOMAS P. GARVIN and JOHN : and JANE DOES NUMBERS 1-21 : Defendant :

Deposition of KATHLEEN M. JUNGCLAUS, taken by and before Michelle A. Katulka, Registered Professional Reporter, at the law offices of Eastburn and Gray, P.C., 60 East Court Street, Doylestown, Pennsylvania, on Thursday, November 1, 2018, commencing at 1:33 p.m., prevailing time.

APPEARANCES:

MARK D. SCHWARTZ, ESQUIRE P.O. Box 330 Bryn Mawr, PA 19010 (610)525-5534 Representing the Plaintiff

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(215)345-7000
Representing the Defendant

ALSO PRESENT:

Thomas Garvin Richard E. Bauer

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By: Ms. Deon

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2 STIPULATION OF COUNSEL

It is stipulated by and between counsel for the respective parties that the sealing, certification and filing are waived, and that all objections, except as to the form of the question, are reserved to the time of trial; each counsel reserving, however, the right to advise his client or clients not to answer any questions considered by counsel to be

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improper.

MR. SCHWARTZ: Prior, at the time of our break for lunch, I objected to Mr. Bauer's continued presence here. And Grace, Ms. Deon, objected to my client's husband being able to remain here.

My client's husband has other things to do, so he's not here.

Mr. Bauer, however, is still here, he's not a party. Ms. Deon contends that he's not involved with this lawsuit anymore. Mr. Garvin can certainly be the Corporate representative.

I don't -- I just want to object to this,

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Case 2:17-cv-04462-PD Document §8-5 Filed 08/01/19 Page 8 of 200 nothing, okay? So you can assume that that may in The New York Times, and I'm giving you that 1 find its way into --2 bit of advice as well. 2 MS. DEON: Off the record. 3 MS. DEON: Okay. 3 MR. SCHWARTZ: No, no, no. MR. SCHWARTZ: You seem to have a problem 4 4 MS. DEON: This is my deposition and she'll with my use of the media when it comes to 5 5 go off the record if I told her to go off the community institutions that don't live up to 6 6 7 record -their proper standards. I'm sorry about that, 7 MR. SCHWARTZ: Fine, do whatever you want. but I'm not going to put a cloak of secrecy over 8 8 MS. DEON: -- so cut your nonsense. what you're trying to do. 9 There are financial documents --10 MS. DEON: Okay, Mr. Schwartz, I'm not here 10 THE COURT REPORTER: Are we on the record? to be the brunt of your personal attacks, so 11 11 MS. DEON: Off the record. 12 let's keep me out of it. And I'm asking, shall 12 13 we decide to seal this with the Court, do we 13 (Discussion held off record.) 14 need to now go through that exercise and delay 14 15 this proceeding --15 MS. DEON: We were just discussing off the 16 MR. SCHWARTZ: I am not going to seal 16 record a document in particular that was voluntarily anything. If there is something 17 17 produced in discovery, it is a Waverly Heights that you and I can agree on that is specifically 18 18 2016 Compensation Review, at 12/20/15, for the 19 19 proprietary and I'm shown it in advance, I may Senior Leadership Team. agree to it, but there's not going to be a gag 20 20 There has been discussion between counsel order in this case, not with this community 21 21 that certain of the information contained in 22 institution, no gag order. 22 here is already in the public domain. 23 MS. DEON: So would --23 And I am going to note on the record and MR. SCHWARTZ: And there is nothing 24 24 for Mr. Schwartz's ears that to the extent 25 confidential in Mr. Jungclaus' deposition, 25 12 11 Representing Waverly. 1 A. anything that is not in the public domain from 1

this document, or any other source, is divulged, he will do so with the knowledge that that will be in violation of the proprietary rights of this organization, and he can take the fallout of that.

MR. SCHWARTZ: In response, I'd just say there's no confidentiality order in this, nothing has been marked Confidential and Proprietary that I've received so far.

BY MS. DEON: 11

- Do you prefer Ms. Junkclaus or Mrs.? 12 Q.
- Mrs. is fine. 13 Ā.
- And you've already been sworn, correct? 14 Q.
- 15 A.

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- Have you ever been deposed before? 16 Q.
- 17 A.
- How many times? 18 Q.
- Three. 19 A.
- And in what types of matters? 20 0.
- One was as a 12-year-old child when I was in an 21 A.
- accident off of the giant slide in Wildwood Crest for a
- lawsuit. One -- and the other two were through the Human 23
- Relations Commission or the EEOC. 24
- Q. And were --25

- Were those depositions for federal lawsuits that 2
- arose from the Equal Employment Opportunity Commission 3
- claims? 4
- 5 A.
- And do you remember the names of those cases? 6
- Marlene Thomas and Marcia Stewart. 7
- And one of those cases was dismissed as a Motion to 8
- Dismiss; is that correct? 9
- 10 They both were.
- There was no settlement in either? 11 Q.
- The Marcia Stewart case we paid out her remaining 12
- paid time off. 13
- And in one of those cases were you the alleged 14 0.
- harasser? 15
- I was named as part of the suit. A. 16
- And you were not a party to the suit, but you were 17
- 18 named within the body of it -
- 19 A. Yes.
- 20 0. - is that correct?
- And did she contend that you were treating her in a 21
- racist manner? 22
- She who. 23
- Plaintiff. 24 Q.
- Which one? 25

- 1 Q. The one that involved Miss Thomas. Was it Miss
- 2 Thomas?
- 3 A. Both claimants claimed racist behavior; however, they
- 4 were both dismissed.
- 5 Q. Which, if any, claimed racist behavior on your behalf
- 6 by you?
- 7 A. Both.
- 8 Q. Both claimed that you treated them in a racist
- 9 manner?
- 10 A. Yes, in the suit, and then under testimony said that
- 11 I never treated them with disrespect.
- 12 Q. Do you have copies of the deposition transcripts?
- 13 A. I don't, but I'm sure that Waverly could get them
- 14 from White and Williams.
- 15 Q. On any other occasion did anyone accuse you of being
- 16 racist?
- 17 A. Ah, the only other time that I can think of is
- 18 the -- was Marcia Stewart over the television issue in the
- 19 employee cafe.
- 20 Q. And that made you angry?
- 21 A. No, it didn't make me angry.
- 22 Q. Did you come into a meeting with the employees and
- 23 express that you were angry that you were being viewed as
- 24 a racist?
- 25 A. I didn't express that I was angry, I expressed that I

- 1 was upset.
- 2 Q. And you were --
- 3 A. There's a difference.
- 4 Q. Okay. And were you being accused of being a racist?
- 5 A. I was -- I was accused of making a decision for the
- 6 employees that was viewed as being racist, yes.
- 7 Q. Okay. Have you ever, other than that instance, had a
- 8 time where you were upset because someone was calling you
- 9 a racist or saying that something you did was racist?
- 10 A. No
- 11 Q. Have you ever been a party to a lawsuit other than
- 12 the matter that you mentioned when you were 12 years old?
- 13 A. There were two automobile accidents over the course
- 14 of, I -- I don't know, maybe the last 15 years, I don't
- 15 remember the dates.
- 16 Q. Did they settle before trial or did they go to trial?
- 17 A. They settled before trial.
- 18 Q. Have you ever been a witness at a trial, presenting
- 19 trial testimony?
- 20 A. No.
- 21 Q. Have you ever provided expert testimony?
- 22 A. No.

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- 23 Q. All right. Let me just give you some instructions
- 24 before we continue.
- 25 If you don't understand a question that I'm asking,

- please ask me to rephrase it.
- Please ensure that only one of us are speaking at a
- 3 time so that the court reporter can take down our
- 4 testimony.
- 5 If there's an objection from counsel, please just
- 6 give us a moment to resolve the objection before you begin
- 7 responding. And can we agree that if you answer a
- 8 question of mine, that you've understood that question?
- 9 A. Yes.
- 10 Q. And if you don't know the answer to a question,
- 11 please say that you don't know or you don't recall, or you
- 12 may certainly estimate or approximate your response.
- 13 Do you understand that?
- 14 A. Yes.
- 15 Q. Okay. If you need to take a break to use the
- 16 restroom or to get a drink, or anything, please just let
- 17 me know, I only ask that we complete whatever question is
- 18 pending before you do so.
- 19 Are you taking any medication or is there any other
- 20 reason that you would have any difficulty today responding
- 21 and testifying in a truthful manner?
- 22 A. No.
- **23 Q.** Okay.
- 24 MR. SCHWARTZ: May I just interject, what's
- 25 your position with respect to objections?

- MS. DEON: I don't understand the question, we have usual stips.
- 3 MR. SCHWARTZ: Yes, except usual stips are
- 4 unusual everywhere.
 - Basically, all objections are can be
 - postponed except for objections as to form.
 - MS. DEON: And foundation.
 - MR. SCHWARTZ: Fine.
- 9 BY MS. DEON:
- 10 Q. Did you review anything in preparation of today's
- 11 deposition?
- 12 A. Yes.
- 13 Q. What did you review?
- 14 A. Everything that's been circulated between your party
- 15 and mine.
- 16 Q. Can you be more specific?
- 17 A. I reviewed the discovery requests that were provided
- 18 by you, the document requests. I reviewed the Amended
- 19 Complaint. I reviewed the information that I submitted on
- 20 the interrogatories and the document discovery.
- 21 Q. Anything else?
- 22 A. I think that's everything.
- 23 Q. Okay. Did you meet with your attorney prior to this
- 24 deposition?
- 25 A. I did.

- 1 Q. And without telling me what you discussed, was the
- 2 meeting in preparation for the deposition?
- 3 A. Yes
- 4 Q. Okay. How long did you meet?
- 5 A. It was a little over an hour.
- 6 Q. Am I correct that you were here this morning for the
- 7 testimony that was given by your husband, Ray Jungclaus?
- 8 A. Yes.
- 9 Q. Did he testify truthfully to the questions that were
- 10 posed?
- 11 A. Yes.
- 12 Q. The twitter handle that is Kathy
- 13 Jungclaus@kmjungclaus, are you familiar with that?
- 14 A. Yes.
- 15 Q. Does that still exist today?
- 16 A. Yes.
- 17 Q. Are you still utilizing that today?
- 18 A. No.
- 19 Q. When did you establish that twitter handle?
- 20 A. To the best of my recollection, I never had a
- 21 Twitter -- Twitter handle, I didn't even know what Twitter
- 22 was.
- 23 Mr. Garvin was tweeting for Waverly Heights and was
- 24 upset that he only had a few followers, and so he asked me
- 25 to join Twitter and follow him so that his Followers could

- 1 increase, that was when it first started. I never had
- 2 anything on Twitter.
- 3 Q. Okay. The use of the Twitter handle, I saw some
- 4 references, it looked like, to raising money for an
- 5 individual with cancer?
- 6 A. Yes.
- 7 Q. Okay. Is the individual that was referenced what
- 8 is the name of the person?
- 9 A. Nicole Stroman.
- 10 Q. Was that an employee of Waverly?
- 11 A. Yes
- 12 Q. Is she still employed?
- 13 A. I have no idea.
- 14 Q. Was she employed at the time in 2016 when you
- 15 established this?
- 16 A. Yes, she was on a leave of absence.
- 17 Q. Okay. And I just assumed that it was established in
- 18 2016. Is that your recollection?
- 19 A. I honestly don't remember when it started. I think
- 20 it was before that in 2015.
- 21 Q. Okay. So am I correct that the Waverly Twitter was a
- 22 publicly-accessible Twitter feed that I could look at?
- 23 A. I believe it's open to the public.
- **24** \mathbf{Q} . And if you clicked onto that Waverly Twitter feed,
- would you be able to tell who followed it? Could you
- 1 click on a button of Followers and it would show the
- 2 different people?
- 3 A. Yes.
- 4 Q. And would Kathleen Jungclaus have been one of those
- 5 Followers?
- 6 A. I'm not sure if I followed Waverly or not, honestly.
- 7 Q. I'm showing you what was marked as RJ-3 this morning?
- 8 A. Uh-huh.
- 9 Q. If you look at the top left-hand corner, it says
- 10 Kathleen Jungclaus@jmJungclaus, and in capital letters,
- 11 FOLLOWS YOU.
- 12 Do you see that?
- 13 A. Yes, I see that, but that just says that I'm
- 14 following myself.
- 15 Q. Okay. So if there's testimony in this proceeding
- 16 that that was printed from the Waverly Twitter, and by
- 17 clicking onto you as a Follower, and that the pages that
- 18 appear there were printed, would that surprise you?
- 19 A. These were printed off of my personal Twitter page.
- 20 You would have to leave the Waverly page.
- 21 I'm not linked in any way to Waverly other than being
- 22 a Follower. So that you would have to leave the Waverly
- 23 Twitter page, go to my personal Twitter page, and open
- 24 that up and then print it out.
- 25 Nothing I ever posted showed up on the Waverly

- 1 Twitter page; we were not linked in any way.
- 2 Q. Okay. But you could though, you just said, click
- 3 from Waverly to your Twitter page because you were
- 4 following them?

- 5 A. I suppose.
- 6 Q. And it was not secure to -- anyone in the public
- 7 domain could have done that; is that correct?
- 8 A. That's correct.
- 9 Q. Do you recall testifying at the unemployment
- 10 compensation hearing that you were terminated based upon a
- 11 knee-ierk reaction to a Tweet that you sent?
- 12 A. Yes.
- 13 Q. And you didn't mention at any point in the waiver --
- 14 in the unemployment compensation proceeding that you
- 15 believed you were subjected to discrimination or
- 16 harassment in connection with your termination.
- 17 Is that correct?
- 18 A. That's correct.
- 19 Q. During your years as a VP of Human Resources, have
- 20 you had occasion to process unemployment compensation
- 21 claims?
- 22 A. Yes.
- 23 Q. Have you had any instance where an individual in that
- 24 context referenced the fact that they believed that they
- 25 were being harassed or discriminated against?

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- I don't recall that. A. 1
- 2 Q. Have you handled, on behalf of Waverly, responses to
- claims by employees with the PHRA or the EEOC? 3
- A. Yes. 4
- 5 Q. How many would you say during your tenure with
- Waverly did you handle? 6
- 7 I'm going to say maybe four. A.
- Q. Would you have handled them individually or with the 8
- assistance of someone else? 9
- Well, it was always with the assistance of our labor 10 A.
- attorney. 11
- Do you recall in your initial application for 12 Q.
- unemployment compensation benefits stating that your 13
- husband had sent the Tweet using your account? 14
- 15 A. Yes.
- 16 Q. Describe to me what was meant by that.
- What was meant by it was that he formulated the 17
- statement and he told me what to tweet, and I did it. 18
- 19 In the Tweet, which was identified as RJ-1 earlier
- this morning, who is the reference to VP of HR? 20
- That would be a combination of both of us. 21 Q. So you would agree with me that it doesn't say my 22
- 23 husband and I in the Tweet, it uses the first person, I am
- VP of HR?

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25 A. That's correct.

- But you're saying now that that referred to a
- combination of the two of you being VP of HR? 2
- 3 That's correct. You only have so many -- you only
- have so many things that you can type on a Twitter page. 4
- And the survey that's referenced in this, you're 5
- 6 testifying, was a survey, an informal survey, that you
- 7 took, as well as your husband took.
 - Is that correct?
- 9 I didn't take an informal survey, that was his
- language that he dictated to me. I didn't take a survey 10
- of any kind. 11
- So you adopted language that does not represent what 12 0.
- you did? 13
- It was based off of a conversation that we had in the 14
- car and a summation of information from both of us, that 15
- he -- he dictated the Tweet. So he made up informal 16
- 17 survey, it was really just based off of discussions.
- Q. Did you at any time -- he said that the two of 18
- you it was a combined effort, that the two of you had 19
- 20 spoken to people at your workplace.
- The conversation that took place in the car that 21
- night, we were driving somewhere, I don't remember where
- we were headed, but we were listening to talk radio, and 23
- talk radio was talking about how there were no minorities 24
- voting for Donald Trump. 25

And I told my husband that that was a very 1 interesting statement since I had a conversation with an 2 employee that afternoon. I was downstairs, outside the 3 Pineapple Grill, taking, ah - doing Best Places to Work 4 5 surveys.

One of the employees from the kitchen came down and asked if he could sit with me while he filled out his survey, and I said that was fine.

And while he was sitting there, he asked me, Miss Kathy, who are you voting for in the election?

And I said to him, I haven't decided yet, I'm waiting for the debates.

And he was quiet. And then he said to me, I would think that you're voting for Hillary.

And I said, Well, that's interesting. Like I said, I'm waiting for the debates.

He was quiet again. Then he said, I'm voting for Trump. The whole kitchen's voting for Trump. My whole family's voting for Trump. The whole neighborhood's voting for Trump. And I said, Fascinating, all I said.

I shared that conversation with my husband in the car and he told me about the conversations that he had had with his employees over the course of the last few weeks.

24 And then he said, You know what, we really need to let Donald Trump know this, so let's send him the 25

information. 1

- 2 And so he dictated the Tweet and I sent it.
- 3 Q. Who was the kitchen employee you're speaking of?
- 4 A. Basheer Womack.
- How do you spell the last name? 5 Q.
- A. W-O-M-A-C-K. 6
- 7 Q. And how about the first name?
- Basheer, B-A-S-H-E-E-R. 8 A.
- Do you know whether he's still employed? 9 Q.
- 10 A. I don't know. He was a utility worker in the
- 11 kitchen.
- Have you had communication with him since leaving 12 Q.
- 13 Waverly?
- 14 A. No.
- Did you have a conversation with anyone else at 15 Q.
- Waverly of the employees about who they were voting for? 16
- No. The day that I was fired, I was conducting fire 17
- drills outside over in the apartments, in the Blair or the 18
- Andrews apartments. And two of the Housekeeping staff 19
- were walking around with Trump stickers in their pockets, 20
- showing them to everyone. And I asked them to please put 21
- them away, they weren't allowed to have a political 22
- affiliation during work hours. 23
- Do you dispute the testimony of the Waverly employee 24
- Maria DiPaul was her name I believe at the time, she's now

- 1 married, D-I-P-A-U-L, do you dispute that you asked her
- 2 who she was voting for?
- 3 A. Yes, I do.
- 4 Q. And what was the nature of your relationship with her
- 5 when you were employed by Waverly?
- 6 A. She was the Social Worker in the healthcare center.
- 7 After I had the conversation with the employee,
- 8 Basheer Womack, I was walking down the hallway and Maria
- 9 was sitting in her office and I asked if I could talk to
- 10 her

12

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16

17

- As the Vice President of HR, you have very few people that you can confide in and discuss confidential things with aside from your boss.
- 14 And I said to Maria, Can I talk to you? And she 15 said, Sure.
 - And I said, You know, you have uncomfortable conversations with residents and family members, and I
- 18 have them sometimes with staff. I want to just run this
- 19 past you to make sure that you think that I handled it the
- 20 right way.
- And so I told her the conversation, and that was the extent the conversation.
- 23 She then proceeded to play a tape for me of a voice
- recording, voicemail, from a resident's family member that
- she mocks and makes fun of and shares to other people, um,

- as one of the most difficult conversations that she's hadto have.
- 3 So I never asked her who she was voting for; I never
- had that conversation. I shared with her the conversation
- 5 that I had with Basheer and I asked for her honest
- 6 feedback.
- **7 Q.** What about the conversation with Basheer made you so
- 8 unsettled?
- 9 A. You always want to make sure that when you're
- 10 presenting information to an employee, that you're coming
- 11 off the right way. And so, you know, it's unsettling when
- 12 someone's talking about something that's so controversial
- 13 that I wanted to make sure that I didn't say anything that
- 14 could be misconstrued.
- 15 Q. So in your mind discussing politics in the workplace
- 16 would be extremely controversial and something that as a
- 17 Vice President of HR you wouldn't do?
- 18 A. I had conversations about politics with Mr. Garvin.
- 19 He enjoyed talking politics on numerous occasions, and we
- 20 engaged in those conversations on a pretty regular basis.
- 21 I would never have those conversations with
- 22 employees.
- 23 Q. So would you agree then that it would be
- 24 inappropriate to have those types of conversations with
- 25 employees?

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- 1 A. It would be inappropriate to ask them who they were
- 2 voting for, of which I've never done.
- 3 Q. How about just talking politics in general with
- 4 employees that are under you -- under the management
- 5 umbrella?
- 6 A. I guess it depends on the conversation.
- 7 Q. You'll agree with me that in the unemployment
- 8 compensation hearing testimony, you never said that the
- 9 Tweet was something your husband dictated and you sent on
- 10 his behalf?
- 11 A. I honestly don't remember.
- 12 Q. Okay. Were you truthful that day when you were
- 13 testifying?
- 14 A. Yes.
- 15 Q. And with respect to ... Well, strike that.
- 16 At some point after you were terminated, did you have
- 17 a conversation with any Waverly employees prior to
- 18 returning to your office?
- 19 You came out Mr. Garvin's office and you spoke with,
- 20 I believe, two Waverly employees?
- 21 A. Amy Blessing and Janet Thompson.
- 22 Q. What was the content of that conversation?
- 23 A. I was hysterical. I was distraught and hysterical
- 24 and blindsided, and I honestly have no idea she
- 25 was I thought she was my friend for 20 years, and I

- just went into her office and I have no idea what I said
- 2 to her other than I was fired, and things were just coming
- 3 out of my mouth.
- 4 And I honestly was so out of body that I could not
- 5 even -- I -- I don't know what I said, honestly.
- 6 Q. And when you said her just now, were you referring to
- 7 Janet Thompson?
- 8 A. Yes.
- 9 Q. Okay. Do you recall Mr. Garvin or Mr. Bauer asking
- 10 you if you needed any medical assistance?
- 11 A. Yes.
- 12 Q. And you did not accept that, correct?
- 13 A. Correct
- 14 Q. Do you recall saying anything to Miss blessing or
- 15 Miss Thompson about someone else sending the Tweet and it
- 16 wasn't you?
- 17 A. I don't remember.
- 18 Q. And would you agree with me that in the letter that
- 19 your counsel sent, which was identified this morning as
- 20 RJ-4, that there is nothing in this letter that references
- 21 your husband having any involvement in this?
- 22 A. That's correct.
- 23 Q. Did you review the letter that Mr. Schwartz prepared
- 24 before he sent it?
- 25 A. Yes.

- 1 Q. And was it sent with your authority?
- 2 A. Yes.
- 3 Q. Do you believe everything in that letter to be true
- 4 and accurate?
- 5 A. Yes.
- 6 Q. When you tweeted about, "... 100% AA employees voting
- 7 Trump," do you recall at the unemployment compensation
- 8 proceeding saying that you didn't feel that that referred
- 9 to African-Americans?
- 10 A. Are you referring to the hearing that was over the
- 11 telephone?
- 12 Q. Correct.
- 13 A. Yes.
- 14 Q. And sitting here today, is it still your belief that
- 15 that was not referencing African-Americans?
- 16 A. At that unemployment hearing, I was so completely
- 17 blindsided, I've never done a hearing like that over the
- 18 telephone. I had no idea who was in the room until they
- 19 were introduced, I had no idea that that there were going
- 20 to be witnesses presented. I was floored and I -- I
- 21 didn't think clearly.
- 22 I could have you know, had I had my attorney with
- 23 me, things would have gone very differently. I think that
- 24 I just spewed out whatever I could think of.
- 25 My husband and I had had conversations about the

- 1 Administrative Assistants at his -- at his company, um,
- 2 how they were voting for Trump. And when he dictated it,
- 3 his intention could have been one thing and mine was
- 4 something else. So when I honestly said that, I honestly
- 5 meant it.
- 6 Q. So you believed when you typed that, that it meant
- 7 Administrative Assistants?
- 8 A. I didn't even think about it because it's an
- 9 obser -- it's an observation. It's an observation and
- 10 it's a statement, it's not offensive in any way. And the
- 11 Commonwealth Court found in my favor that I didn't do
- 12 anything wrong, so there's nothing wrong with that Tweet.
- 13 Q. Okay, Miss Jungclaus --
- 14 A. Regardless of what the AA stands for.
- 15 Q. That may be your opinion and that's fine, but I'm
- 16 asking specifically, when you are the individual who has
- 17 authored a Tweet, I'm asking what you believed AA to mean
- 18 when you tweeted that?
- 19 A. Again, the Tweet was my husband's verbiage; his
- 20 intention could have been one thing and mine was something
- 21 else.
- 22 When I testified about Administrative Assistants, at
- 23 the time I was so flabbergasted at the hearing, that
 - 4 that's what came out.
- 25 Q. So sitting here today, would you have testified

- differently?
- 2 A. You know, our our language is very different, my
- 3 husband and I. So had I actually wrote the Tweet myself,
- 4 I probably would have worded it differently if I was
- 5 referring to a minority group, but I in my mind I was
- 6 thinking he was talking about his Administrative Assistant
- 7 staff because that's who we had just finished talking
- 8 about.

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- 9 So I -- honestly, when I testified that at the
- 10 unemployment hearing, that was what was in my head.
- 11 Q. And you were listening, you said, before this Tweet
- 12 about the fact that minority groups were not --
- 13 A. Yes.
- 14 Q. -- going to be voting for Trump?
- 15 A. That's correct.
- **16 Q.** So by *minority groups*, that would mean to me ethnic
- 17 or racial minority groups, correct?
- 18 A. It could be Hispanic, it could be Mexican, it could
- 19 be black; it could be anything.
- 20 Q. So the Tweet that then results AA, would reference
- 21 African-Americans as opposed to Administrative Assistants?
- 22 A. Not necessarily.
- 23 Q. Okay.
- 24 A. His Administrative Assistant is Hispanic.
- 25 Q. And you were also speaking to an African-American

- 1 Waverly employee about who he was voting for, correct?
- 2 A. There was a black employee who asked me who I was
- 3 voting for.
- 4 Q. And when did that occur, prior to this Tweet or
- 5 after?

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- 6 A. Prior.
- 7 Q. And in the context of Human Resources, have you ever
- 8 read about any of the cases where there was discrimination
- 9 found by recruiters who would put an AA on the top of a
- 10 resume to connote -- to have the connotation
- 11 African-American?
- 12 A. No
- 13 Q. How many unemployment compensation hearings have you
- 14 attended either in person or telephonically in your
- 15 career?
- 16 A. I've only -- my personal one telephonically, no
- 17 others.

- And on behalf of Waverly, I always sent the
- 19 supervisors to the unemployment hearings, it was very
- 20 seldom that I attended. I can only think of one that I
- 21 went to.
- 22 Q. Mr. Schwartz was your attorney and already engaged
- 23 prior to the unemployment compensation hearing, correct?
- 24 A. Yes
- 25 Q. And your husband at the time of that hearing was

- available by telephone; is that correct? A. I think he thought he was going to be, but then had a 2 conference call and could not be available. 3 What would have been your purpose had he been 4 available of having him testify? 5 A. The same purpose that he had this morning, to tell 6 you that he dictated the Tweet. 7 Q. And that information would have been important? 8 A. I don't know. 9 Q. That information doesn't appear in any of the 10 Complaints that are filed in this action, correct? 11 MR. SCHWARTZ: What information? 12 THE WITNESS: I'm not clear on the 13 question. 14 15 BY MS. DEON: Q. Does it appear in either of the Complaints in this 16 matter that the Tweet was sent on behalf of your husband 17 or with your husband's involvement in any respect? 18 A. That's not important information because the Tweet 19 doesn't say anything. 20 Q. Ms. Jungclaus, if you could answer the question. It 21 doesn't matter if you think it's important or not, it's a 22 very simple question. 23 How does the --24 MR. SCHWARTZ: Go ahead.
- BY MS. DEON: Q. -- the text of either the Complaint or the Amended 2 Complaint reference at all or state that your husband had 3 4 involvement in sending the Tweet? MR. SCHWARTZ: I would object for a couple 5 reasons: 6 1) that the Complaints speak for 7 themselves; and 2) it will call for a legal 8 conclusion as far as whether that information 9 10 had to be in that Complaint. But go ahead, you can answer. 11 THE WITNESS: No. 12 BY MS. DEON: 13 Do you recall signing a Verification to the first 14 Complaint that was filed in this action? 15 A. 16 And did you sign a Verification for the Amended 17 Q. Complaint, also? 18 A. Yes. 19 Do you know why you signed a Verification? 20 0. To attest that everything in it was accurate and 21 A. true. 22 And in your mind - strike that. Q. 23 Are you aware that there's a provision within that 24 Verification that if you are making any untrue statements, 25

that could be the equivalent of a perjury? 1 2 A. Yes. Q. Do you dispute, sitting here today, the validity of 3 any of the allegations contained in the Complaint or the 4 5 Amended Complaint? A. Do I dispute them? 6 7 Q. Yes. A. No. 8 Q. Are you the one that provided the information that 9 formed the allegations contained in the Complaint; are you 10 11 the --12

MR. SCHWARTZ: Objection and instruct the witness not to answer on the grounds that it's a violation of the attorney/client privilege.

BY MS. DEON: 15

Q. Have you ever requested that anyone provide 16 information to your attorney for purposes of formulating 17 the Complaint or the Amended Complaint filed in this 18

action? 19

13

14

25

A. No. 20

Would that surprise you if anybody besides you 21 Q.

provided information to your attorney? 22

Would it surprise me? I don't believe that it's 23

happened. 24

Did you authorize anyone to do so? 25

No. I mean, aside from my husband? 1 A.

Well, I thought your husband this morning testified 2

that he did not provide any information to Mr. Schwartz. 3

He didn't, but he would have -- he would have -- if 4

you asked him a question, he would have answered his 5

question, he didn't provide any information. 6

MR. SCHWARTZ: I believe the question was, 7

did she ask anyone else.

THE WITNESS: No.

BY MS. DEON: 10

In 2016, were you a registered Republican for the 11

primary and the general election --12

yes. 13 A.

In that year? 14

Did you find it strange that your husband didn't know 15

what your registration was? 16

17 A.

Okay. Have you been other registrations overtime? 18 Q.

I was an Independent at some point. 19

How long ago was that; do you know? 20

I don't remember. 21

And were you Trump-supporter in 2016? 22 Q.

A. Yes. 23

Okay. In addition to having a Twitter, do you have a 24

Facebook account?

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- 1 A. Ido.
- 2 Q. Is it public or private?
- 3 A. It's private.
- 4 Q. Has it always been private?
- 5 A. Yes.
- 6 Q. Do you have any other social media for um?
- 7 A. Instagram.
- 8 Q. Anything else?
- 9 A. Linkedin.
- 10 Q. Anything else?
- 11 A. No.
- 12 Q. Does your husband have Instagram?
- 13 A. He does.
- 14 Q. He does?
- 15 A. Yes, he does, but very seldom uses it.
- 16 Q. Does he use your Instagram?
- 17 A. I post pictures for both of us.
- 18 Q. Okay, but I'm just trying to understand whether you
- 19 have your own Instagram and he has his own Instagram?
- 20 A. Yes.
- 21 Q. So you each have an individual Instagram?
- 22 A. Yes.
- 23 Q. Does he post on his or are you the primary person
- 24 that posts on that?
- 25 A. On his? He posts on his.

- 1 Q. And you post on yours?
- 2 A. Yes, but sometimes he'll post on mine as well.
- 3 Q. Why is that?
- 4 A. Because he'll use my cell telephone, and when you
- 5 open Instagram, it's automatically on my account.
- 6 Q. Anything else besides Facebook, Instagram or
- 7 LinkedIn?
- 8 A. No.
- 9 Q. Would you agree that as the Vice President of Human
- 10 Resources of Waverly you oversaw the implementation and
- 11 oversight of the company's nondiscrimination and
- 12 harassment policies?
- 13 A. Yes.
- 14 Q. And people were encouraged to report things to you,
- 15 correct?
- 16 A. Yes.
- 17 Q. And you are named as a resource in multiple human
- 18 resource policies; would you agree with that?
- 19 A. Yes.
- 20 Q. And, in fact, you're listed as the individual to whom
- 21 people can feel comfortable to make a report if they
- 22 believe that they are victimized by harassment or
- 23 discrimination, correct?
- 24 A. Yes
- 25 Q. Did you write, either individually or jointly, any of
- 1 the Human Resource policies that are contained in the
- 2 Employee Handbook?
- 3 A. It was always a joint effort.
- 4 Q. And who was the joint effort with?
- 5 A. Among the Senior Leadership Team.
- 6 Q. As the VP of HR, would you write the policy and then
- 7 the Senior Leadership Team would review it?
- 8 A. Yes.
- 9 Q. Okay. How is it that you obtained the title of VP of
- 10 HR?
- 11 A. That was termed a psychological promotion by Tom
- 12 Garvin.
- 13 Q. Did you ask for it?
- 14 A. Yes.
- 15 Q. Why did you ask for it?
- 16 A. I asked for all of the Senior Leadership Team to be
- 17 Vice Presidents.
- 18 Q. When did you do that?
- 19 A. Pretty much right at the beginning when Tom first got
- 20 hired.
- 21 Q. Had you made the same request of the prior CEO?
- 22 A. I did.
- 23 Q. What was the response?
- 24 A. We're not a bank.
- 25 Q. Had the prior CEO, Mr. Maguire, elevated anyone else

1 to VP status?

- 2 A. The positions were already established. So there was
- 3 a Vice President of Finance, there was a Nursing Home
- 4 Administrator, and the rest were Directors.
- 5 Q. So even though they may have already been established
- 6 for that prior CEO, did you ever make a direct request
- 7 that he consider moving the Directors into a VP status?
- 8 A. Are you talking about to Bill Maguire?
- 9 Q. Yes.
- 10 A. Yes.
- 11 Q. And his response was that it's not a bank?
- 12 A. It's not a bank.
- 13 Q. Although you referenced it as a psychological
- 14 promotion, was that something satisfactory to you, to be
- 15 named a VP?
- 16 A. Yes
- 17 O. Prior to Mr. Maguire leaving as CEO, was there a
- 18 woman that he had elevated to the VP status?
- 19 A. Not that I recall.
- 20 Q. How long was Mr. Maguire CEO?
- 21 A. From 1986 until he left. I don't remember which year
- 22 it was, 2005 maybe.
- 23 Q. Was there anyone who served in between Mr. Maguire
- 24 and Mr. Garvin?
- 25 A. Mr. Bates.

- Case 2:17-cv-04462-PD Document 38-5 Filed 08/01/19 Page 16 of 200 And was he there from 2005 to 2010 when Mr. Garvin 1 Q. 2 2 came in? Well, Mr. Bates is a Board Member, so he would just 3 3 A. go in and sit in the office and be available to any of the 4 4 Senior Leadership Team that might have had an issue. 5 A. 5

 - Was there a lapse in the CEO position for a number of 6 7 years?
 - Not years, months. 8 A.
 - Okay. Well, I thought -- when is your understanding Q. 9
- when Mr. Garvin became CEO? 10
- A. I don't recall when he what year he started. 11
- Okay. If I represented that it was 2010, does that 12
- refresh your memory? 13
- A. Yes. 14
- Q. Okay. So getting back to Mr. Maguire's tenure, you 15
- said that it was 1986 to 2005. 16
- It was probably 2010. 17
- Okay. And then Mr. Bates was just for a brief 18
- interim period of a number of months? 19
- 20 A.
- Q. Okay. Now, with the change in timeframes of when 21
- Mr. Garvin was there and your understanding of when he 22
- came in, does that change your answer in terms of whether 23
- there was any individual who was promoted to a VP status 24
- prior to Mr. Garvin coming in? 25

- I think -- now that I'm refreshing my memory, I think
- Meg Guenveur was a Vice President. She was the Vice
- President of Healthcare Services.
- Was she later replaced by someone else?
- Meredith Feher.
- I'm sorry, what was her last name again? Q. 6
- 7 A. F-E-H-E-R.
- Did you apply for the position of VP of Healthcare 8 Q.
- 9 Services?
- I spoke with Tom about being the successor to Meg 10 A.
- 11 Guenveur.
- And what was his response? Q. 12
- He supported that. He supported my getting my 13 A.
- Nursing Home Administrator's license. 14
- When did you wind up speaking with him about that 15 Q.
- 16 possibility?
- During one of my reviews. 17 A.
- Do you know when Meg left? 18 Q.
- I don't remember when she left. It was -- it was --19
- I had already started the course, I was three quarters of 20
- the way finished it, I think I had two more classes and my 21
- test, and Meg decided to retire. And Tom then hired 22
- Meredith Feher, who was a friend and former coworker. 23
- Although it would be obvious from her name, I assume 24
- Meredith is a female? 25

- 1 Δ. Yes.
- And do you happen to know what her age is in 2 Q.
- comparison to you? 3
- A. She's in her forties. 4
- Okay. So did you -- at the time when Meg retired, 5
- did you wind up applying for that position? 6
- I asked Tom about it, and he said that he was going 7
- to bring someone in with more experience. 8
- So the answer is that you did not apply for it? 9
- What was the point? He told me not to because I 10
- wouldn't get the job, he was going to bring someone else 11
- in with more experience. 12
- Did you need have to your NHA certification for that 13 Q.
- 14 position?
- It was not mandatory. He was the Nursing Home 15
- Administrator. As long as there's someone onsite that's a 16
- Nursing Home Administrator, you could hire someone --17
- 18 19
- (Whereupon, the court reporter read back the pending question.)

MR. SCHWARTZ: Slow down.

21 22 23

24

25

20

THE WITNESS: He could have hired someone who was in the process of being the Nursing Home Administrator and supported me through that

- program. 1 BY MS. DEON:
- Did Mr. Garvin reference any aspect of Meredith's 3
- background that he considered as being superior to your
- background for that position? 5
- He just said that he wanted someone with more 6
- experience. 7
- And he didn't say what type of experience? Q. 8
- 9 A.

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- Had she acted in that type of a role with another 10 Q.
- organization? 11
- 12 A. Yes.
- For how long? 13 Q.
- I don't know. 14 A.
- Had you seen her resume or been involved in her 15 Q.
- hiring? 16
- Yes, but I don't recall. A. 17
- Were you involved in the interviews for that? 18 Q.
- 19 A.
- Did you have any involvement in the negotiation of 20 Q.
- her compensation and benefits? 21
- Yes. 22 A.
- 23 In what respect? Q.
- Well, I just processed them. The negotiation 24 A.
- happened between Tom and Meredith, I just got the

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- 1 information and processed it.
- 2 Q. How about with respect to Mr. Garvin's hiring, were
- 3 you involved in the negotiations of determining his salary
- 4 and benefits?
- 5 A. That was a Board decision, I just delivered the
- 6 information.
- 7 Q. How about with respect to Mr. Soltis?
- 8 A. Same.
- 9 Q. Does anyone employed at Waverly have an employment
- 10 contract or is everyone employed at will?
- 11 A. The only people that are -- I believe are under
- 12 contract are the rehab staff.
- 13 Q. And the rehab staff, are you speaking of like
- 14 physicians that would have employment agreements?
- 15 A. No, they're the physical therapists, occupational
- 16 therapists and speech therapists.
- 17 Q. Are they independent contractors that are contracted
- 18 from another --
- 19 A. It's a company. They had a contract with a company
- 20 and then the company provides the staff.
- 21 22
- (Discussion held off record.)
- 23
- 24 BY MS. DEON:
- 25 Q. Okay. Did you have something else to say?

- 1 A. I believe the Medical Director in the healthcare
- 2 center may have a contract.
- 3 Q. Would you have been involved in the negotiation, and
- 4 when I say negotiation, I mean actually setting the terms
- 5 for that bargaining for the terms of anyone on the staff
- 6 at Waverly?
- 7 A. Are you talking about hourly employees, managers,
- 8 directors?
- 9 Q. Let me know if different categories -- if there is --
- 10 yes, how would you answer that question; would you be
- involved in the negotiation of salary and benefits?
- 12 A. Yes
- 13 Q. For what classification of employees?
- 14 A. Director on down; director, manager, supervisor,
- 15 hourly employees.
- 16 Q. And would you have full authority on that or would
- 17 you have to check with others?
- 18 A. I always ran every -- if it was a Director, obviously
- 19 Mr. Garvin would have involvement in that. Typically, he
- 20 would set the salary and tell me what it was going to be.
- 21 If it was a Manager, I was in negotiation with the
- 22 Director, as well as Mr. Garvin always approved those
- 23 salaried rates.
- 24 If it was hourly employees, no, I -- myself and the
- 25 recruiter would develop the starting rate.
- 1 Q. Did you at any time make a complaint to Mr. Maguire,
- 2 the former CFO -- CEO, excuse me, that you were not
- 3 satisfied with your salary?
- 4 A. Yes.
- 5 Q. On how many occasions?
- 6 A. A couple.
- 7 Q. Did you receive any bonuses during the time that you
- 8 were serving under Mr. Maguire?
- 9 A. I honestly don't remember, it's a long time ago.
- 10 Q. When you made the complaints about your salary to
- 11 Mr. Maguire, did you have a fear that you would be
- 12 retaliated against?
- 13 A. No.
- 14 Q. Did you feel that your salary and the manner in which
- 15 it was set at that time instituted gender discrimination?
- 16 A. I felt that the women in the organization were a
- 17 little suppressed in terms of pay.
- 18 Q. Did you communicate that to him?
- 19 A. Yes.
- 20 O. And were you of the belief that it was only the class
- 21 of women?
- 22 A. Yes.
- 23 Q. Did you at any point frame it as being discriminatory
- 24 on the basis of age?
- 25 A. No.

- 1 Q. Did you have particular women when you were speaking
- 2 with Mr. Maguire that you had in mind whose salaries you
- 3 felt were suppressed because they were women?
- 4 A. Janet Thompson and myself.
- 5 Q. When Mr. Garvin became CEO, I believe you testified
- 6 before that you spoke to him about the same issue?
- 7 A. Yes

- 8 Q. Did you also reference Janet Thompson's --
- 9 A. Yes.
- 10 Q. salary at that time?
- 11 Just let me finish my question.
- 12 A. I'm sorry.
- 13 Q. How about any other women, did you speak to
- 14 Mr. Garvin and tell him that you believed any other
- 15 women's salaries were suppressed as a result of their
- 16 gender?
- 17 A. Constance Dogan.
- 18 Q. Anyone else?
- 19 A. I'm thinking. I don't recall.
- 20 Q. I know you mentioned that you couldn't recall
- 21 whether Mr. Maguire had given you any bonuses.
- 22 Do you recall Mr. Garvin giving you any bonuses?
- 23 A. Yes.
- 24 Q. How many bonuses did he give you?
- 25 A. Maybe three.

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- Were you pleased with any of those bonuses? Q.
- 2 A. No.
- Q. Why? 3
- They were minimal. 4 A.
- And was it your belief that they were minimal because 5
- 6 of your gender?
- 7 Yes. A.
- Were there any individuals that were male who 8 0.
- received similar bonuses? 9
- 10 They received more.
- Q. All of the men received more? 11
- 12 A. Yes.
- Was there any explanation to you by Mr. Garvin or 13 Q.
- anyone else as to how your bonus was determined? 14
- A. He said it was because the other Directors had 15
- brought -- been financially responsible and enhanced 16
- Waverly Heights. 17
- And is it your position that he had that belief only 18
- as to the men? 19
- Yes. Α. 20
- So there weren't any women that received bonuses that 21 0.
- were of the same value or more than the men? 22
- 23 Not to my knowledge.
- Q. How about with respect to increases in your salary, 24
- in looking at the records of your pay prior to Mr.

- Garvin's tenure, would you agree with me that your salary
- 2 was under market in most instances?
- Under or just at market. 3
- Okay. And would you agree that the computation ratio 4
- for your salaries prior to Mr. Garvin were all generally 5
- 6 under 100?
- 7 A. Generally.
- Would you agree that after Mr. Garvin was there, that 8 Q.
- your comp ratio was 100 or more? 9
- 10 A. Slightly above market.
- And is it your belief that that is the result of your 11 Q.
- 12 gender?
- 13 A. Yes.
- Is it your belief that there were males that had Q. 14
- higher comp ratios than you did? 15
- There were males that were -- had exceptions. For 16
- instance, Marc Heil, who is the Vice President of Building 17
- Services, or Project Management now, does not have a 18
- college degree. 19
- Under Bill Maguire it was required that he take 20
- college classes to obtain his degree in order for him to 21
- continue with his position. 22
- Under Mr. Garvin, that requirement went away, and he 23
- continued to enjoy very large bonuses even though his 24
- title was considered the Direc -- the Vice President of 25

- Project Management to oversee the project management. He 1
- would still get large bonuses, as well as a fully-paid 2
- 3 family trip to Florida, which was absurd.
- Q. Was the Board aware of it? 4
- It was the Chairman of the Board's idea. 5 A.
- And are you aware of any of the Board Members 6
- 7 objecting to that?
- A. I don't know. 8
- 9 Did the job description for his position require a
- college degree? 10
- 11 A. Yes.
- And when was he -- was he hired before or after you? 12 Q.
- He was hired just right after me. 13 A.
- Were you involved in his hiring? 14 Q.
- 15 A. Yes.
- And you're saying that he should have had a college 16
- degree in order to fill that position? 17
- He was initially hired as a Supervisor and was 18
- promoted into his position. 19
- When he was promoted into the position of Director, 20
- were you involved at all in that process? 21
- 22 A.
- Did you object to him being promoted? 23 Q.
- Part of his requirement was that he get his degree. 24 Α.
- And that was set forth by Mr. Maguire? 25 Q.

- A.
- Did he take any courses to your knowledge? Q.
- Yes. It was a Board requirement. 3 A.
- Was it required that he get a Master's -- or, excuse 4
- me, strike that -- an associate's or a bachelor's? 5
- Bachelor's degree. 6 A.
- Do you know how close he came to getting that? 7 Q.
- I think he took two or three semesters worth of 8 A.
- classes at the most, maybe four classes. 9
- And is it your position that at a later time the 10
- Board was prevented from altering that policy? 11
- Mr. Garvin stopped it; I don't know why. It was no 12
- longer a requirement for him to get his degree. 13
- 14 Q. Do you know how much Mr. Heil made in comparison to
- 15 you?
- He makes slightly above me, but he enjoyed several 16
- thousand-dollar bonuses each year, sometimes twice a year. 17
- Did Mr. Garvin ever explain to you that he made 18
- determinations and the Board made determinations based 19
- upon the impact an individual's work had on the nature of 20
- 21 the Waverly operations?
- Yes, that was what they told me. 22 A.
- Q. And you disagreed with that? 23
- I disagreed that I didn't provide the same kind of 24 A.
- contribution. 25

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0. What type of contribution were you desiring that they

2 take into consideration?

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A. I oversaw the workers' compensation program, which 3 was self-funded. When we first took on the self-funding, 4

there was no return-to-work program. I instituted a 5 6

return-to-work program that allowed employees to not lose work time and then have to substitute with an additional 7 8

employee to cover them.

We had a - we had stellar claims, minimal claims, and based off of that dividends were returned to Waverly in excess of a million dollars, and they continued to enjoy those dividends since there is a three-year rollout period.

I took on all of the training for Waverly Heights. Initially, we were considering hiring a trainer, which would have cost at least 70 or \$80,000 per year to hire a trainer.

I -- since that could not get approved, I was given the responsibility of initiating the training programs throughout Waverly Heights for Waverly Heights, as well as Waverly Care.

I learned -- I was instructed to learn about the 22 FISH! training, of which I sent away for the book, I got 23 the manual, I taught myself the program, and I trained all 24 of the employees of Waverly Heights and Waverly Care in 25

employee relations and employee engagements, and not one

session, not one, did Mr. Garvin attend. Even though I 2 repeatedly invited him to come, he never came to one 3

4 session.

So I contributed numerous times. I covered for the 5 Housekeeping department in the absence of Directors for 6 months on end while he searched for new Housekeeping 7 8 Directors.

I covered for the Business Office and oversaw the 9 Business Office after he terminated Anne 84 Rogers. 10

I provided backup for him, no one else ever volunteered, I did everything. 12

And if you don't think that that contributes to the 13 overall operations of Waverly Heights, I don't know what 14 15

You were provided with bonuses during the timeframes 16 Q.

when you had a dual role, correct? 17

Two thousand dollars for months of work. 18

The amount that is returned for workers' compensation 19

for the dividend, if there had been injuries during that 20

timeframe, would that have impacted the dividends? 21

Yes. 22 Α.

And how is it that you would be able to control the 23 Q.

injuries if someone had an injury? 24

It's not controlling the injuries, employees are 25

going to get injured, it's about having people come back to work in any capacity.

When I first started, employees thought that they were hired to the Building Services Department or the Housekeeping Department. They're hired by Waverly Heights, which means that they could do light duty in any capacity.

So I instituted a return-to-work program where anyone who was injured could go downstairs to the laundry and fold washrags or dishrags, so that there was no time loss.

That was a direct result in having low cost to the workers' comp program.

Q. When did you institute that program? 13

We started with the Captive in 2002, and it was 14

immediately following my first meeting that I learned 15

about return-to-work programs through the Captive 16

Insurance Group by participating on their Risk Management 17

committee and circulated -- other members would circulate 18

ideas for return-to-work programs. And when I came back 19

from that meeting, I immediately instituted that. 20

So that was approximately eight years before 21

Mr. Garvin coming on? 22

23 Α.

Did Mr. Maguire give you bonuses as a result of your

efforts in the return-to-work?

A. 1

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Did you make a complaint to him about that? Q.

3 A. I did.

Did you ever bring any of these complaints to anyone 4 Q.

above the CEO status?

I did a presentation on the workers' comp program to 6

7 the entire Board.

Did you ever make a complaint to anyone above Mr. 8 0.

Garvin or Mr. Maguire that you were not being properly 9

compensated as a result of your efforts with respect to 10

11 the workers' compensation program?

No, there was no one to go to. 12 A.

You were prohibited in what way from going to the 13 Q.

Board of Director -- Board of Trustees? 14

Under Mr. Maguire, the Board of Trustees was an 15

advisory board, so they didn't have as much involvement in 16

the overall operations as they developed under Mr. Garvin. 17

But the message is, you go to Tom and you don't go to

19 anybody else. Who told you that? 20 Q.

It's just you don't do it. If you do it, you're 21

going to get fired. 22

Did anyone ever do so and then get fired? Q. 23

24 A. No one would ever do it.

And there was nothing in a written directive telling 25 Q.

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- 1 you this?
- 2 A. No. I went to Mr. Soltis when Mr. Garvin was hired
- 3 and I suggested to him that under the new President, that
- 4 they have an Executive session with myself to give
- 5 feedback to the HR committee on his interaction with the
- 6 Senior Leadership Team and his overall management, and
- 7 that was denied.
- 8 Q. Was there ever a verbal directive by anyone telling
- 9 you not to ever go above Mr. Garvin?
- 10 A. I was told by Anne Rogers not to go above Mr.
- 11 Garvin -- or not to go above Mr. Maguire, and so that --
- 12 that held true for my entire tenure.

MR. SCHWARTZ: I'd just like to note for the record, you were asking about writings, about whether you could go to the Board.

May the record reflect that you've refused to provide the handbook for the trustees, and that that would have that information, and again I ask you to provide it.

20 BY MS. DEON:

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- 21 O. Do you have occasion to go to seminars where there
- 22 are other directors of human resources?
- 23 A. Seminars?
- 24 Q. Seminars, conferences.
- 25 A. I would; I didn't go to any. I participated in a

- 1 personnel professional network group. They weren't
- 2 conferences, they were get-togethers to share ideas.
- 3 Q. Was there ever any discussion about return-to-work
- 4 programs?
- 5 A. I'm not sure.
- Q. Were you a member of any human resource professional
- 7 societies during the time that you were employed by
- 8 Waverly?
- 9 A. SHRM, the Society for Human Resource Management, it's
- 10 S-H-R-M for short.
- 11 Q. Did you go to any types of conferences or seminars
- 12 with respect to SHRM?
- 13 A. I did online trainings; I didn't go to conferences.
- 14 Q. In your mind, is the establishment of a
- 15 return-to-work program something that is extraordinary for
- 16 a Human Resources Director or is that something that you
- 17 would consider to be within their obligation and duties?
- 18 A. I think it's extraordinary. Most human resource
- 19 directors or vice-presidents are not also risk managers.
- 20 I was the Risk Manager as well as the Human Resources
- 21 Director, and so I think that that's an extraordinary
- 22 thing.
- 23 Q. What was your procedure when work-related injuries
- 24 came to your attention?
- 25 A. The procedure was to immediately take down the
- statement, send someone to one of the panel physicians,
- 2 communicate with the panel physicians on the outcome of
- 3 their examination, get a written documentation of the
- 4 level of restrictions they may have, whether it's light
- 5 duty, modified duty, and then go from there.
- 6 Q. Were there ever any instances when an individual had
- 7 a work-related incident that resulted in an injury that
- 8 you did not follow that process?
- 9 A. No.
- 10 Q. Did you report all incidents or work-related injuries
- 11 to the carrier?
- 12 A. Only if there was -- if it was qualifying event that
- 13 would result in medical expenses or possible lost work
- 14 time.
- 15 Q. So it's your understanding that the carrier would not
- 16 require any type of reporting of a workplace injury unless
- 17 the caveat is that there were medical expenses or loss of
- 18 work?

- 19 A. Yes, employees could come to you and say that
- 20 they -- for example, an employee could come and say that
- 21 they strained their back.
- 22 And I would say, When did you strain your back?
 - Last Thursday, and it's Friday of the following week.
- 24 Well, that would not get reported because that would
- 25 not be considered a work-related injury. I have no idea

- 1 what they did between last Thursday and this Friday,
- 2 there's eight days in between there, including a weekend.
- 3 So there is no way of knowing whether or not that's an
- 4 actual work-related injury, so that's not something that
- 5 would get reported.
- 6 If someone had a bee sting and was allergic to bees,
- 7 that would get reported because it would result in some
- 8 kind of medical treatment.
- 9 Q. How about if someone was bit by a patient and needed
- 10 a tetanus shot, would that be considered a work-related
- incident that should be reported?
- 12 A. Yes.
- 13 Q. How about if a resident who might have some
- 14 aggression due to their condition if they were to twist
- 15 someone's arm or grab their hand in a very abrupt manner,
- 16 which required ice and some type of medical attention even
- 17 just at Waverly, would that be a reportable incident?
- 18 A. It depends on if they got first aid and the
- 19 nurse's -- in the doctor's office. If they received first
- 20 aid, it would be printed on the incident. If they -- if
- 21 they asked for medical treatment after that, then, yes, it
- 22 would be reported.
- 23 Q. And by reported, you would report that to the
- 24 company, you would not just do an incident report?
- 25 A. It would be reported to Gallagher Bassett, who was

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- 1 the, um -- who was the company that we worked with.
- 2 Q. And you're confident that for each and every instance
- 3 of an individual having an injury at work where medical
- 4 treatment was then received, that you have turned those
- 5 over to the carrier?
- A. To the best of my knowledge.
- 7 Q. You attend biannual meetings for the Captive?
- 8 A. Yes.
- 9 Q. They were held offsite from Waverly?
- 10 A. Yes.
- 11 Q. During that time, although there may have been some
- 12 socializing, were there also educational forums that were
- 13 done?
- 14 A. There were meetings that were held, yes.
- 15 Q. And did the meetings ever review topics such as when
- 16 you should report incidents?
- 17 A. Yes.
- 18 Q. And what would be the concern if someone did not
- 19 report an incident?
- 20 A. It wouldn't get covered.
- 21 Q. And that would be detrimental to the company,
- 22 correct?
- 23 A. It would be detrimental to the employee because they
- 24 would have an out-of-pocket expense.
- 25 Q. And wouldn't the company also be liable potentially?

- 1 A. Potentially.
- 2 Q. Did you ever maintain a file called Noninjury with
- 3 respect to workers' compensation?
- 4 A. My Administrative Assistant I think did.
- 5 Q. Did you have any say in what was considered a
- 6 noninjury?
- 7 A. Well, a noninjury would be something that didn't
- 8 require medical treatment.
- 9 Q. So if it did require medical treatment, it should not
- 10 have been designated as a noninjury, correct?
- 11 A. Yes.
- 12 Q. Would you agree that in your performance evaluations
- 13 that you did a self-evaluation during the time that
- 14 Mr. Garvin was the CEO, there was a format where you would
- 15 include a self-evaluation, and then Mr. Garvin would also
- 16 give remarks about your performance?
- 17 A. Yes.
- 18 Q. And would you agree that he was very complimentary of
- 19 you in your performance evaluations?
- 20 A. Yes.
- 21 Q. And in, you know, a number of your self-evaluations,
- 22 you were also complimentary about your interactions with
- 23 him.

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- 24 Do you dispute that?
- 25 A. I -- I had very good relationship up until

1 December 2016.

- 2 I'm sorry, December 2015.
- 3 Q. And is the event that you're referring to in
- 4 December 2015 when you went to Mr. Garvin about being
- 5 upset about your bonus?
- 6 A. Yes.
- 7 Q. Have you I know you mentioned reviewing some of
- 8 the discovery that has been exchanged in this proceeding
- 9 in preparation for your deposition.
- 10 Do you recall that one of the items produced was your
- 11 personnel file?
- 12 A. Parts of it, yes, I'm not sure it was everything.
- 13 Q. Okay. Do you recall seeing performance evaluations
- 14 in there?
- 15 A. Yes.
- 16 Q. Did you happen to review those?
- 17 A. No.
- 18 Q. Do you have any reason to believe that the statements
- 19 that you made in the performance evaluations are untrue or
- 20 were you being candid and truthful when you wrote them?
- 21 A. I was being candid and truthful.
- 22 Q. Did you have any reason to believe that statements
- 23 Mr. Garvin was making about your performance being
- 24 complimentary, that he was being untrue when he was making 24
- 25 those statements?

- A. Only he can answer that.
- 2 Q. Well, did it leave you with an impression that he was
- 3 not being forthcoming?
- 4 A. No
- 5 Q. You mentioned that you don't think that everything
- 6 was produced with respect to your personnel files.
- 7 Can you tell me specifically what you're referencing?
- 8 A. It just seemed light; my file was like this fat
- 9 (indicating). So I think the content that we received was
- 10 like this much (indicating). I mean, it was -- it could
- 11 have been training information, it could have been
- 12 anything.
- 13 Q. Was it Mr. Garvin that suggested that you get the NHA
- 14 certification?
- 15 A. Yes.
- 16 Q. And did the company pay for that?
- 17 A. Yes
- 18 Q. And is it also true that he changed the days of the
- 19 weeks when the Senior Management Team met to accommodate
- 20 your class schedule?
- 21 A. I'm not sure that that was the reason --
- 22 Q. You don't recall that?
- 23 A. he changed the date.
- No, we changed the dates and the times numerous times
- 25 before something was established as a regular basis.

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- 1 Q. Did he ever advise you that he would have you take
- 2 the test and act as the Supervisor -
- 3 A. Yes.
- 4 Q. -- in the process?
- 5 And what caused you to not take the test?
- 6 A. I didn't see the point since he had already hired
- 7 Meredith to the position that I was going for.
- 8 Q. And is the only thing that you had remaining to take
- 9 the test in order to have that certification?
- 10 A. Yes.
- 11 Q. Would that have made you more marketable?
- 12 A. Not necessarily.
- 13 Q. If you had that certification presently, would that
- 14 have opened certain doors for you?
- 15 A. I don't think so.
- 16 Q. And are there certain positions where that
- 17 certification is, in fact, required?
- 18 A. Yes.
- 19 Q. You were unable to apply for those positions,
- 20 correct?
- 21 A. Yes.
- 22 Q. I know that you mentioned that you've taken trainings
- 23 in HR-related matters. Am I correct that you do not have
- 24 a degree in human resources?
- 25 A. I have a bachelor's degree in psychology.

- 1 Q. So that's not human-resources related, correct?
- 2 A. Correct.
- 3 Q. And how about, do you have any specialized human
- 4 resource certifications?
- 5 A. No
- 6 Q. Are you required to take any type of continuing
- 7 education in the HR field?
- 8 A. No.
- 9 Q. Turning again to your role as Vice President of Human
- 10 Resources, were you responsible for conducting internal
- investigations of discrimination and harassment?
- 12 A. Yes
- 13 Q. How many would you say that you oversaw during your
- 14 tenure?
- 15 A. Oh, my goodness, I have no idea. A lot.
- 16 Q. Can you estimate on an annual basis approximately how
- 17 many?
- 18 A. We're talking about discrimination and harassment?
- 19 Q. Investigations.
- 20 A. Investigations. One a year.
- 21 Q. Would you do so as the lead on that investigation or
- 22 did you have someone overseeing you?
- 23 A. I was the lead.
- 24 Q. So is it fair to say you've done at least 20 of them?
- 25 A. At least.
- Q. Were there instances when you offered counsel to
- 2 individuals who believed that they were subjected to
- 3 discrimination or harassment?
- 4 A. Did I offer counsel?
- 5 Q. By counsel, I mean in your HR status where they would
- 6 come and make the complaint to you, but it may not go to a
- 7 full-blown investigation.
- 8 A. It depends on the person.
- 9 0. Were there instances like that?
- 10 A. There were instances where people came to me and I
- 11 asked them if I had their permission to then do an
- 12 investigation. And there were instances where people
- 13 said, no, they did not want me to intervene.
- 14 O. And in your capacity as an HR Director, given that
- 15 you represent the company, are there circumstances when
- 16 you would not be able to abide by that request, that you
- 17 not intervene or not move forward?
- 18 A. If I thought that it was detrimental to an employee,
- 19 yes.
- 20 Most of the people who came to me that said that they
- 21 did not want me to intervene were senior-level staff, and
- 22 I would counsel them on having a conversation directly
- 23 themselves with the person that they thought was making
- 24 them uncomfortable, or to go to Mr. Garvin themselves, and
- 25 100 percent of them refused to do that.

- Q. Did you suggest that they consider filing an
- 2 administrative complaint --
- 3 A. I did.
- 4 Q. Let me finish my question. -- with the PHRC or the
- 5 EEOC?
- 6 A. No, I -- I suggested that they have a conversation
- 7 with Mr. Garvin first before they pursue anything else.
- 8 Q. Did they report back to you after speaking with him?
- 9 A. They didn't speak to him.
- 10 Q. Did there ever come a time when you had a concern
- 11 that there was some type of culture or other conduct by
- 12 Mr. Garvin that was of a severe nature that you needed to
- 13 go to the Board or some other body?
- 14 A. His tolerance of Bob Supper is something that I would
- 15 have taken to the Board had I felt comfortable, but based
- 16 on the nature of the relationship with Mr. Garvin and the
- 17 Board Members, I knew that that would only result in me
- 18 losing my job.
- 19 Q. Did you ever seek legal counsel, without telling me
- 20 what that legal counsel may have been, at any time while
- 21 you were employed at Waverly about that issue?
- 22 A. About Mr. Supper?
- 23 Q. No, about the issue of not having -- not being able
- 24 to go above Mr. Garvin for fear of being terminated.
- 25 A. There's a difference between legal counsel and having

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- a conversation with an attorney.
- 2 I did have conversations with attorneys where I
- 3 discussed some of the concerns that I had and sought their
- 4 advice, but I can't say that I formally in my position
- 5 sought counsel.
- 6 Q. And when you had these conversations with these
- 7 attorneys, was it a situation where you actually engaged
- 8 them and paid them a fee for their counsel?
- 9 A. No.
- 10 Q. How many attorneys would you say fall into that
- 11 category?
- 12 A. Two.
- 13 Q. And who are they?
- 14 A. One is Debbie Sandler, who works at White And
- 15 Williams and was our labor attorney for Waverly Heights.
- 16 And the second is my sister, Dana Rider, who is an
- 17 attorney-at-law.
- 18 Q. And what did each of them -- well, why don't we start
- 19 with Ms. Sandler. What did she tell you when you posed
- 20 that to her?
- 21 A. Debbie's advice was always that you have to ask the
- 22 employee if they went you to intervene first. And if they
- 23 want you to intervene, then you have to intervene. And if
- 24 it's something that's detrimental or at a peer level that
- could go to directly to Tom, then that would be your

- 1 advice to them, Go to Tom and talk about the issue.
- 2 Q. So that would be for the senior management
- 3 individual, that was the advice and that's what you, in
- 4 fact, did?
- 5 A. Yes.
- 6 Q. And what was the advice in the event that the
- 7 individuals didn't feel comfortable to do that?
- 8 A. The advice was that if I could find a way to have a
- 9 conversation with Mr. Garvin about the situation without
- 10 naming names, that I should do that.
- 11 Q. Did you do that?
- 12 A. Yes
- 13 Q. And with respect to what situation did you do that?
- 14 A. With Mr. Supper.
- 15 Q. So explain to me what you told Mr. Garvin.
- 16 A. I received numerous complaints from the female staff
- 17 about Mr. Supper's behavior in meetings and his demeaning
- 18 and demoralizing treatment to them.
- And I went to Mr. Garvin and told him that I got -- I
 had gotten these complaints, and he said, It's just Bob.
- 21 Q. So if that were, in fact, occurring, you'd agree that
- 22 that would be a violation of state and federal laws that
- 23 are in place against discrimination or a hostile work
- 24 environment?

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MR. SCHWARTZ: Objection, she's not a

lawyer; calls for a legal conclusion.

THE WITNESS: I'm not sure what you're

3 asking.

4 BY MS. DEON:

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- 5 Q. You're aware that there are statutes in place that
- 6 would dictate that an employer has to maintain an
- 7 environment that is free of discrimination, correct?
- 8 A. Yes.
- 9 Q. And you're aware that there, ah -- that if an
- 10 individual was, in fact, treating a group of individuals
- 11 based upon their gender in a particular manner, that would
- 12 be what we call in human resources a hostile workplace?
- 13 A. Correct.
- 14 Q. So knowing that you had these complaints and that you
- 15 went and made this complaint to Mr. Garvin -- is that what
- 16 you're telling me?
- 17 A. Yes.
- 18 O. And what did Mr. Garvin do about it?
- 19 A. I told you, he said, It's just Bob.
- 20 Q. So now given the fact that you have gone that far
- 21 with things, did you ever go back to Miss Sandler and say,
- 22 I've approached Mr. Garvin and he's told me, That's just
- 23 Bob, and he's not going to do anything about it?
- 24 A. I told that to my sister.
- 25 Q. And what did your sister tell you you should do at

- 1 that point?
- 2 A. She said, Do you have an opportunity to talk to the
- 3 Board?
- And I said, No, that is frowned upon and I will lose my job.
- $\textbf{6} \quad \textbf{Q.} \quad \text{What, if anything -- and let me back up for a moment.}$
- 7 What type of law does your sister practice?8 A. She does workers' compensation, and she does
- She does workers' compensation, and she does
 employee-related cases, sexual harassment cases.
- 10 Q. Did she tell you that it would be retaliatory if you11 were then treated adversely after going to the Board with
- 12 that type of a complaint?
 - MR. SCHWARTZ: I object as it's calling for attorney/client privilege communication since she did say that she sought the advice of her sister's a lawyer.

MS. DEON: She also testified that she never engaged a lawyer. She referenced two people, Debbie Sandler and Dana Rider, and that they were never formally engaged and that there was no money that changed hands.

MR. SCHWARTZ: Do you know, I think that that's Michael Cohen's defense and it's not a terribly successful one.

MS. DEON: Are you instructing her not to

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1 answer?

MR. SCHWARTZ: Yes. 2

MS. DEON: Okay. Do you want to note that

on the record?

THE COURT REPORTER: Yes.

- BY MS. DEON: 6
- Q. You are familiar though with the anti-retaliation 7
- provision of the federal and state statutes? 8
- 9 A. Yes.

3

4

5

- 10 And, in fact, you're asserting retaliation in this
- cause of action. 11
- 12 I am.
- Q. Are you familiar with the Employee -- or the 13
- Compliance Hotline that Waverly has? 14
- 15 A.
- Q. Who is the Compliance Officer at Waverly? 16
- It's a Corporate Compliance Hotline; Janet Thompson 17 A.
- is the Compliance Officer. 18
- What types of matters is that hotline utilized? 19 Q.
- It's utilized for fraud; Medicare fraud, billing 20 A.
- 21 fraud, those kinds of things.
- How about whistleblower claims? 22
- We never -- we never trained on it being a 23
- whistleblower hotline, it was used just for any fraudulent
- activity that you might observe.

- During your 20 years, were there any complaints made
- 2 to it?
- When I left, the only thing that had ever been on the A. 3
- 4 Compliance Hotline was a pizza order.
- 5 A pizza order?
- A. (Witness nodding affirmatively.) 6
- When did the corporate Compliance Hotline, when was 7
- 8
- Um, jeez. I'm going to say it was -- we never had an 9 A.
- official hotline, that was a telephone number that was 10
- established when we developed the Corporate Compliance 11
- program. I honestly don't remember when that went into 12
- 13 effect.
- Q. Was that meant for people to be able to leave 14
- anonymous information? 15
- We did a corporate Janet Thompson did corporate 16
- compliance training at annual training, and what was 17
- stressed at that training was that it was for fraud, 18
- 19 Medicare billing, it was not really a whistleblower,
- employee-related hotline. It was never trained as that, 20
- it was trained as billing fraud. 21
- If you knew of anything that was going on of a 22
- 23 fraudulent activity, that that was the hotline to call.
- How about if an individual was mismanaging the 24
- financials of Waverly, would that be something that

- qualified? 1
- 2
- Q. How about if the individual that was overseeing 3
- financial affairs was incompetent in someone's opinion, 4
- would that be something that they would report? 5
- 6 A. No.
- Q. So if someone was of the belief that an individual 7
- that was high level, Mr. Supper for instance, that he was 8
- in some manner not qualified for that role due to 9
- alcoholism, would that be something that would be 10
- 11 reported?
- 12 A. No.
- If that were a concern, what would have been the 13
- vehicle for -- what method would have been utilized to
- report that and to whom? 15
- Someone would come to me or to go to -- or to go to A. 16
- Mr. Garvin. 17
- 18 Q. Did that ever happen?
- Yes. 19 A.
- 20 Q. What happened?
- Mr. Garvin came to me to tell me that he was 21
- concerned that Bob Supper had a company car and that he 22
- was a frequent, heavy drinker, and he was afraid for the 23
- liability that it posed to Waverly Heights. 24
- I had complaints from Janet Thompson about his 25

- talking about leaving early on Thursdays to go to happy
- hour. I had complaints from the Business Office staff who 2
- 3 complained about his leaving early to go to happy hour,
- about his incessant conversations about gambling, about 4
- 5 his yelling and his demeaning behavior.
- I had complaints from Amy Blessing about his 6
- screaming on the telephone to his wife, his obnoxious 7
- behavior, his, ah -- again, talking about his drinking, 8 talking about his gambling, the man, he has no filter.
- Did Mr. Supper ever yell at men, male employees? 10
- Not in my presence. 11 A.
- You're unaware of that ever occurring? 12 Q.
- 13 A. No, never had - never made aware of it.
- If anyone else testified that he did, in fact, do 14
- that, would that surprise you? 15
- A. A man? 16
- 17 Q. Yes.
- 18 A. Yes, I would be surprised.
- Was Mr. Supper ever reported to be under the 19
- influence when he was on the job? 20
- No, but I was told by Mr. Garvin to avoid Mr. Supper 21
- on Mondays until at least noon until he -- so he had a 22
- chance to recover from his weekend. 23
- And you took that to mean because of some type of 24
- alcohol abuse? 25

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- 1 A. Yes.
- 2 Q. It couldn't have meant that he just wasn't a morning
- 3 person?
- 4 A. No.
- 5 Q. And, again, despite these concerns that you had that
- 6 you brought to Mr. Garvin and that you claim Mr. Garvin
- 7 brought to you, at no time did you go to any level above
- 8 that -
- 9 A. I did not.
- 10 Q. -- to report these things?
- 11 Did you ever have reason to write Mr. Supper up for
- 12 disciplinary infractions?
- 13 A. That would not be my role.
- 14 Q. Do you know whether Mr. Supper was ever counseled or
- 15 disciplined for any type of infraction, whether by you or
- 16 anyone else?
- 17 A. The only infraction I know that he was addressed
- 18 about was the use of his cell phone. He would sit in
- 19 meetings and be on his personal cell phone throughout the
- 20 entire meeting constantly, and I know that Mr. Garvin did
- 21 have a conversation about that. It stopped for
- 22 approximately a week before it continued again, and then
- 23 it just continued. His behavior was overly tolerated.
- 24 Q. Did his behavior prevent you from doing your job?
- 25 A. Effectively, yes.

- 1 Q. How?
- 2 A. It's difficult when you have a Senior Vice President
- 3 who is allowed and permitted openly to be on their
- 4 personal cell phone, to come and go as they please, to
- 5 discuss inappropriate topics, and then to enforce the
- 6 rules for the hourly staff. It creates an us versus them
- 7 mentality that is very difficult to then manage.
- 8 Q. How often did Mr. Supper interact with the employees
- 9 that were below management?
- 10 A. Never. His interaction was with his direct reports,
- 11 and maybe when he saw someone in the hallway or at the
- 12 Pineapple Grill, he didn't engage with employees. He
- 13 would walk down the hallway with his head down on his ceil
- 14 phone, never said hello, never interacted.
- 15 Q. So the behavior that you're claiming was
- 16 objectionable was in front of other members of the Senior
- 17 Leadership Team?
- 18 A. Yes.
- 19 Q. But not those below?
- 20 A. Everyone. Every employee and every resident could
- 21 see him on his personal cell phone.
- 22 Q. Walking in the hallway?
- 23 A. Walking in the hallway, in the Pineapple Grill, in
- 24 meetings, in meetings with his subordinates, it was
- 25 constant.
- Q. What else did he do in front of people below the
- 2 Senior Management Team that you found objectionable as a
- 3 Vice President of Human Resources?
- 4 A. He was overbearing and insulting to his staff.
- 5 Q. Did he manage men and women?
- 6 A. Yes.

- 7 Q. And is it your position that he only was overbearing
- 8 to the women?
- 9 A. No.
- 10 Q. With respect to Mr. Supper, are you only attributing
- 11 a hostile workplace to gender as opposed to age?
- 12 A. Oh, no, he discriminated based on age as well.
- 13 Q. In what respect?
- 14 A. His controller, Isthuhamil Hamid --
- 15 Q. Are you able to spell that?
- 16 A. I-S-T-H-U-H-A-M-I-L, I think, H-A-M-I-D.
- Obviously, based on his name, he is a minority.
- 18 Mr. Supper would demoralize him in front of other staff,
- 19 and made it frequently known to the person that was a
- 20 direct report to Hamid, Chad Minix, who was a Caucasian
- 21 Account Manager, would tell Chad that his goal was to
- 22 terminate Hamid so that Chad could then become the
- 23 Controller, which actually did end up happening.
- 24 Q. The last name Mini, M-I-N-I-X?
- 25 A. Yes.

- 1 Q. How old was Chad?
- 2 A. Chad is in his thirties.
- 3 0. Is he the current Controller?
- 4 A. Yes.
- 5 Q. Is he qualified for the position?
- 6 A. I didn't make that determination, it was after my
- 7 termination.
- 8 Q. Do you know the basis for how the other Controller
- 9 with the name that I can't pronounce, how he wound up
- 10 leaving the organization?
- 11 A. I don't know, but when I was still -- when I was
- 12 there, it was Mr. Supper's mission to get him out of
- 13 there, and Hamid is in his was in his seventies.
- 14 Q. Did anyone else have any objection about Mohammed's
- 15 conduct and performance?
- 16 A. Not that I'm aware of.
- 17 Q. Had he been an employee for the entire time that you
- 18 were an employee; was he a longterm person?
- 19 A. Hamid?
- 20 Q. Yes.
- 21 A. No, he was hired maybe four or five years ago.
- 22 Q. So he was hired under Mr. Garvin's tenure?
- 23 A. Yes.
- 24 Q. And he was in his seventies, you said?
- 25 A. Yes

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- 1 Q. Did anyone else create a hostile work environment on
- 2 the basis of age according to your claims other than
- 3 Mr. Supper?
- 4 A. Mr. Garvin.
- 5 Q. In what respect?
- 6 A. He would make comments about when we had our
- 7 benefit renewal and our premiums would go up, he would
- 8 make comments about getting rid of the older employees so
- 9 that we would have a different demographic and the
- 10 premiums would go down.
- 11 O. Did he instruct you to take any action in that
- 12 regard?
- 13 A. He would make joking comments like, Why don't we get
- 14 rid of some of those older housekeepers?
- 15 Q. Did he ask that you actually take action to eliminate
- 16 those people's positions or to determine them?
- 17 A. No.
- 18 Q. Anything else age-wise?
- 19 A. He would make comments about -- whenever he fired
- 20 someone, about not having it -- that he wasn't out to get
- 21 the old-timers. He made that comment to me directly when
- 22 he had terminated one of the other senior leaders, and
- 23 then he made that comment to Marc Heil right after my
- 24 termination.
- 25 Q. And by the older senior leaders, did you take that to

- 1 mean the ages of individuals or just individuals that were
- 2 at Waverly prior to Mr. Garvin's tenure?
- 3 A. They were all older individuals with the exception of
- 4 one man.
- **5 Q.** Okay. Do you understand the distinction, sometimes
- 6 when a new person comes in, people are under the
- 7 impression that the older, meaning that people that have
- 8 been with the company for a long time before, are going to
- 9 be eliminated by the new CEO, was that your position, or
- 10 are you saying that it was on the basis of their ages?
- 11 A. What I am saying is it's difficult to know what was
- 12 in his mind because the people that left were senior in
- 13 age and senior in tenure. So when you say old-timers, I'm
- 14 not sure what his message was.
- 15 O. And who exactly wound up leaving that you're
- 16 referring to?
- 17 A. Well, Anne Rogers was terminated.
- 18 Q. Did you support that?
- 19 A. Anne Rogers was -- her behavior was tolerated for so
- 20 long and she was given so many opportunities and went
- 21 through the progressive discipline program, and that when
- 22 it came time to let her go, I thought it was appropriate.
- 23 Meg Guenveur --
- 24 Q. Before you go off on her, so you supported her
- 25 termination, Anne Rogers?

1 A. Uh-huh.

- 2 Q. And she was a female?
- 3 A. Yes.
- 4 Q. How old was she, approximately?
- 5 A. Sixty-something.
- 6 Q. Okay, anyone else?
- 7 A. Meg Guenveur.
- 8 Q. And why was she terminated?
- 9 A. Meg was ladylike enough to say that she was retiring,
- 10 though she left because she was being bullied in the
- 11 workplace.
- 12 Q. By whom?
- 13 A. Mr. Garvin. To the point of tears.
- 14 Q. Did she have any performance issues?
- 15 A. None that I know of.
- **16 Q.** Were you ever involved in any type of performance
- 17 improvement plan or any type of counseling on her
- 18 performance?
- 19 A. Mr. Garvin put me in all kinds of difficult
- 20 situations.
- 21 Q. Is that a yes or a no, were you involved in that?
- 22 A. Yes. Meaning --
- 23 Q. Did you --
- 24 A. -- meaning that I was a witness.
- 25 Q. Did you have a different opinion concerning her

- 1 performance?
 - 2 A. I did.
 - 3 Q. What was that?
 - 4 A. I thought Meg was very good at her job.
 - 5 Q. Was Mr. Garvin -- who else then of the Senior
 - 6 Leadership? You mentioned Anne Rogers and Meg.
 - 7 A. Uh-huh.
 - **8 Q.** Who else --
 - 9 A. Colin Gallagher.
- 10 Q. How old was he?
- 11 A. Colin was in his fifties, late fifties.
- 12 Q. What position was he in?
- 13 A. He was the Director of Dining Services.
- 14 Q. And why did he separate from the company?
- 15 A. Tom asked -- that was a contracted position through
- 16 FLIK, and Tom asked them to replace him.
- 17 Q. Why?
- 18 A. He didn't like his performance.
- 19 Q. What about his performance didn't he like?
- 20 A. Colin had a very overly assertive way of presenting
- 21 himself, and I think that Mr. Garvin didn't like that.
- 22 Q. Did anyone complain about Mr. Gallagher being overly
- 23 assertive?
- 24 A. He had issues with his Dining Services Manager,
- 25 Debbie Best. Debbie Best had her own issues, ah, but they

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had worked together for many, many years.
         Did you support the decision to replace him?
2
     Q.
3
    A.
                    MR. SCHWARTZ: Can we take a break now?
4
5
                    MS. DEON: Sure.
                    MR. SCHWARTZ: Okay.
6
7
8
               (Recess declared.)
9
10
               (After recess.)
11
12
                    MR. SCHWARTZ: The matter of Dana Rider,
13
               the deponent's sister, has come up.
                    For the record I'd like to state that I've
14
15
               utilized her as assistance in this case. So
16
               she's assisted me in this case.
17
18
            (Whereupon, the court reporter read back
          the pending question.)
19
20
    BY MS. DEON:
21
22
         What is your source for Mr. Gallagher being in his
```

late fifties; is that just a guess?

It's a guess.

23

24 25

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A.

1 A. I think that at the bottom it just says, Do you want to get the most mileage out of your page? And then - I'm 2 not sure if the symbols are underneath it for Twitter and Facebook, but you just -- I just clicked Yes, I want to 4 5 get the most mileage out of it. And I know that they then share it with -- if it's a 6 7 medical issue, they'll share it on a medical page. Um, it -- I'm not really -- I've never done Go Fund Me before, 8 9 so it's the very first time I did it, so I just wanted to get the most mileage as possible. 10 Q. Before I was asking you about harassment claims 11 12 against Waverly, and is Trish Thompson also an individual 13 that brought a claim? A claim? 14 A. 15 Q. Yes. A. Of harassment. 16 17 Q.

Q. And with respect to Mr. Hamid leaving, what is your

19 Tom about me. 20 She was a direct report for 12 years and she -- the position outgrew her and outgrew her skills. And when I 21 was addressing things -- things of that nature with her,

I wouldn't say it was a claim; she wrote a letter to

she took offense and wrote a letter to Tom. 23

24 We had a meeting, where she was allowed to voice her frustrations, and in that meeting Tom was fully supportive

2 leaving? I only know that Chad was promoted to the Controller 3 A. 4 position through his LinkedIn page. 5 We spoke before about the establishment of the Go Fund Me page --6 7 A. Yes. 8 0. -- for an employee. 9 I've not done that before; is that something you set 10 up separate and apart from Twitter through in other means? 11 You go to the Go Fund Me page, webpage. 12 And then is that something that can then from that 13 webpage be advertised and shared with your Facebook and 14 other means? Α. Yes. 15 16 Q. Can that also be shared on Twitter? 17 When you - I think when you first establish it, it 18 says, To get more mileage out of the Go Fund me account, you can -- they suggest that you use -- you put it on 19 Facebook or Twitter. 20 21

source of information about the circumstances of him

And I think I just clicked -- I -- I had never done a 22 Go Fund Me page before, so I just clicked whatever means to get the most advertisement. 23 Do you know whether you did click it for the Twitter 24

feed, also?

2 Q. And was she eventually terminated? 3 A. She left on her own. 4 Q. How about Vermita (sp) ... 5 A. Vermita Smalls? 6 Q. Yes. 7 A. Vermita Smalls. I honestly don't remember the nature 8 of her leaving. 9 Do you have any recollection of her doing a

harassment or discrimination claim --10

11 A. No. 12 Q. -- asserting one?

13 What involvement, if any, did you have in the

drafting of Waverly's social media policy? 14

When Bob Supper started working for Waverly Heights, 15

16 he suggested that we redo our employee handbook. He gave 17 me a handbook that he had from a previous employer and I

18 duplicated the contents of that handbook for the Waverly

Heights' handbook. 19 20

We had never had a social media policy. Social media was not really a thing a couple years ago, and so it was a standard social media policy that came from, I think it

23 was a Dunwoody handbook, I'm not positive.

24 Q. Had you ever had to discipline anyone from the time that that went into place -- would that have been 2014?

Appendix 644

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of me.

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- Yes. 1 A.
- Q. Had you had any role in disciplining anyone with 2
- respect to social media policy? 3
- A. There was an hourly employee -- this is the only one 4
- I recall -- an hourly employee who worked in our Assisted 5
- Living Unit, who was in uniform with his name badge on and 6
- took a picture of himself and a resident, and posted it on 7
- his -- one of his social media accounts. 8
- Was it your recommendation that he be terminated? 9 Q.
- It was Tom's recommendation to terminate him. 10 A.
- 11 Did you support that?
- I did because he identified himself as being working 12 A.
- 13 for Waverly Heights by his name badge.
- Have you ever Googled your name? 14 Q.
- 15 A.
- And do you have any sense of how many individuals 16
- with the first initial of K and the last name of Jungclaus 17
- there are in the area? 18
- I have no idea. 19 A.
- Would it surprise you if there were very few? 20 0.
- 21 A. It's an unusual name.
- And when your name is Googled, is there any 22
- affiliation that comes up with Waverly? Have you ever had 23
- occasion to do that? 24

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When you Google my name, if you Google Kathleen 25 A.

- Jungclaus, all kinds of things come up, mostly about the
- unemployment case; the amended finding from the Court to
- eliminate the Board Members from being part of the 3
- lawsuit; my name with Best Places to Work for Waverly 4
- 5 Heights comes up.
 - Um, I can't think of anything else.
- 7 And what is your belief or understanding of
- 8 why -- strike that.
- 9 What do you allege forms the basis for why you were
- 10 terminated?
- I believe that up until December of 2015, I had a 11
- 12 very nice, collegial working relationship with Mr. Garvin.
- He included me -- I was with him in almost every meeting 13
- that he held. I was with him in all kinds of difficult 14
- situations with Senior Leadership Teams, with Senior 15
- Leaders, Managers, making decisions, and when I confronted 16
- him in December about my compensation, I was really upset 17
- because I felt like he had completely taken advantage of 18
- me. And, you know, when it comes down to it, like the 19
- 20 best recognition is in your pay.
- And other people who had done far less than me got 21
- far more than I did, and I was devastated by that, and it 22
- took me weeks to get myself together in order to have a 23
- 24 conversation with him about it.
- 25 It's very difficult -- it's easy to advocate for

someone else, it's really difficult to advocate for 1 yourself when you don't have anybody else that you can go 2 to. Like, this is it, this is the end of the line, you go 3

4 and you -- and I tried to get him to appreciate the value of what I was bringing to the job. 5

And he was angry with me, and you always know when Tom's angry because the vein in his neck starts to throb and that's a clear, telltale sign that he's not happy with what you're saying.

And I asked him in that meeting if it was going to interfere in our relationship moving forward, and he said no, but from that day forward, he approached me with an arm's length. I was never included in anything else after that, it was distance and silence.

And I went home and I said to my husband, I know that I'm going to get fired; it might not be today, it might not be next week, but he's going to fire me for something, and that's exactly what happened.

19 And when I -- when he came to me about Bob Supper's car being repossessed, he sought me out, he came to my 20 office and sat down and told me that Bob came to him and 21 told him that the car was repossessed and that he was 22 afraid he was going to lose his job. 23

And I said to him, This is a perfect time to take the 24 car away from him. He drinks, he has no reason for a car, 25

he doesn't travel in any capacity for his job, and Meredith doesn't have a car.

3 The one thing that you didn't ask me is when Tom got hired, he changed the level of positions. He created the 4

5 two Senior Vice President positions, he created them, they

should have been treated equally. 6 7 And when he took the car away from Bob, he should

have -- if -- if my Tweet rose to the occasion of taking 8

9 it to the full Board of Trustees and the Human Resource

10 committee, I am appalled that the repossession of a

company car doesn't result in some kind of communication, 11

instead it went to Dick Bauer for a secret conversation, 12

13 the car got removed and he got \$10,000 to pay for his car.

14 That is absolutely discriminatory.

To tolerate that behavior and then permit him to continue in that capacity, I knew then that there was a problem because Tom said to me, Don't ever bring it up again. And that was in August, a month before I got fired.

- 20 Q. That was the car --
- Yes. And that repossession was posted on the Mount 21 A.
- 22 Laurel Police Blotter Facebook page.

THE WITNESS: I need a minute.

MS. DEON: Do you need a break?

MR. SCHWARTZ: Yes.

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2
           (Discussion held off record.)
3
4
    BY MS. DEON:
5
        Did you have anything else you wanted to finish your
6
    answer before I ask you another question?
7
                   THE WITNESS: Can you read back my answer?
8
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(Whereupon, the court reporter read back the pending answer.)

THE WITNESS: I don't think so. 12

BY MS. DEON: 13

- 14 Q. So the Police Blotter page, which is included with
- RJ-4, Exhibit B, is that what you're referring to? 15
- 16

9

10

11

- Q. And that is referring to Robert Supper, Jr., the son, 17
- 18 correct?
- 19 A. Yes, that's correct.
- So there's nothing on the Police Blotter that 20
- 21 references Waverly, correct?
- Α. Correct. 22
- And there's nothing that lists Robert L. Supper, Sr., 23 Q.
- who works at Waverly, correct?
- Correct. They have the same name. 25

- And by repossessing the car, did you mean that the
- car was impounded by the police?
- 3 Yes, that's what I meant, impounded.
- But that information wasn't publicly displayed on
- 5 Facebook or anywhere, was it?
- 6 A. No.
- 7 You referenced in -- the pleadings in the case keep
- referencing that the decision to terminate you was by the
- 9 full Board of Directors.
- 10 Yes.
- 11 What information do you base that upon? Q.
- In my termination meeting, when I asked to meet with 12
- 13 the HR committee members and the Board of Trustees, I was
- 14 told that the decision was unanimous by the Board of
- Trustees and the HR Committee. 15
- 16 Do you recall -- earlier you testified that you were
- 17 very upset at the termination meeting.
 - Do you recall that?
- 19 A. Yes.

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- 20 0. And also afterwards?
- 21 A. Correct.
- 22 And you seem to say that you didn't really recall 0.
- 23 what was happening because you were so upset.
- 24 Was that during the time of the termination meeting
- 25 or the meeting that you had after with the two coworkers

1 or both?

6

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10 11

2 When I was called down to Tom's office and I walked

- in, he, Mr. Bauer, was sitting at the round table in Tom's 3
- 4 office, and Tom had a Manila folder in his hand and he
- 5 said, I guess you know why you're here.
 - And I said, I have no idea why I'm here.
 - And he asked me to sit down, and I sat in the back with my back to the wall, and Mr. Bauer was to my right, and Tom was here (indicating) at the round table.
 - And he said that it was about the Tweet and that he was very upset about it and had decided to take it to the
- Human Resource Committee, and that the decision was made 12 12 13 to terminate my employment.
- 14
- When I heard that, I -- I was shocked. It was like 15 having the earth pulled out from underneath my feet. I
- didn't understand. I -- I begged for my job, it was 16
- humiliating. I begged and pleaded for my job. I asked 17
- 18 them to send me to a training, suspend me, whatever, don't
- 19 let me lose my job. I was stonewalled; there was nothing.
- 20 I said, Can I at least talk to the HR Committee? I
- had relationships with these members of the HR Committee, 21
- 22 I worked with them for years, I wanted an opportunity to
- 23 sit down and talk to them.
- 24 And Tom told me that it was a unanimous decision,
- that they had discussed it, and that was the decision. 25

And I said, Well, please let me take it to the Board. Let me talk - take it to the full Board, I want to talk

to the full Board.

And he said, It was a unanimous decision by the full Board and the Human Resource Committee to terminate my employment, and I was shocked.

I was shocked that I -- all these things were going through my head. Other employees, who had done far more egregious things than me, were permitted to continue on in their employment. They were given training classes, they were sent to management sessions, there was progressive

I had a meeting with Tom on September 20th, where he handed me an anonymous letter in an envelope, I didn't even have a chance to read it. He blew it off as a mere -- as a mere incident, it wasn't a big deal, he was so anxious to leave for his conference.

He told me I had nothing to worry about, and the very next time I see him, he fires me. No questions, no investigation, no Kathy, can we talk about this?

I worked with him for years, we had a trusting relationship. I was so betrayed by him and betrayed by Dick Bauer. I -- I was appalled that they would take this to the full Board and humiliate me by showing them show -- and then to make the comment that says, I don't

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want you to think that we think you're a racist.

Why would that even come up? Why would that come up2 unless you thought I was a racist?

I was -- I -- I honestly remember bits and pieces of that meeting. I remember crying. I remember begging for my job. I remember praying the Our Father and asking for strength. I remember asking to use the phone so I could call my husband.

I remember asking if I could resign so that I could
 leave with some modicum of dignity after 20 years.
 Nothing. Nothing, not one iota of human compassion and
 empathy.

With someone that you worked with and had a relationship with, to be treated like a common criminal, was so demoralizing. I can't even tell you the depth of devastation to me. My whole purpose was my job; I loved my job.

I knew every single employee; I knew something personal about every one of them. I -- it was my mission to make Waverly a wonderful place to work, and I was never afforded the same treatment that every single other person had, not once, but unless it was something so egregious that somebody was terminated like that.

Anne Rogers, her sexual harassment of me, her demoralizing employees. Her demoralizing an employee by

correcting his English in public meetings that — that resulted in actual harm to that employee, she was given training. Go to training. Go to management training. Go to cultural diversity training. Let's have a Plan of Action for you.

But me, a Tweet on my personal Twitter page that is not linked, that has no association with Waverly, that isn't even offensive in any way, results in immediate termination, approved by the Board and approved by the HR Committee, that tells me there is something far greater going on, so it's not about the Tweet.

And do I remember everything that happened in that meeting? No, I don't, but there are things that stand out.

I was rambling, I was devastated, I was crying. I -- I -- I was at a loss because there was no avenue for me, they were giving me no avenue, nothing. It was just, no. No. No. No.

And when I asked Tom what he would tell me people, he said he would tell them that I resigned, I had simply resigned and was gone.

I told him I was worried because my in-laws lived there, and I was devastated by what they were going to be told and that they had to continue to live there. It's embarrassing for them. They couldn't even look at Tom

1 after that, they were so mortified that I was treated that

2 way.

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3 Q. Were you ever prevented from coming back on the

4 property to see them?

5 A. Yes. Oh, to see them?

6 Q. Yes.

7 A. No.

8 Q. And you've seen the notice that went out to the

9 residents?

10 A. Yes.

11 Q. And there's nothing in that that says you're a racist

12 or anything objectionable; would you agree?

13 A. No, there's nothing in there, not in the letter.

14 Q. Who were the other employees that you're referring to

15 that did far more egregious things than you under Mr.

16 Garvin's tenure?

17 A. Anne Rogers.

18 Q. And who else?

19 A. Bob Supper, he continues to work there. Meredith

20 Feher, her treatment of employees is obnoxious.

21 Q. And with respect to Mr. Supper, you're referring to

22 the demeaning manner which he - all the testimony that

23 you gave before about his interactions with employees; is

24 that what you're referring to?

25 A. That and the drinking and the gambling, the car.

Q. And with respect to Meredith Feher, what specifically

2 are you referring to?

3 A. Meredith's management style is do as I say, not as I

4 do. And her rapport with her CNAs and nurses were so

5 strained, that I was instructed to attend her staff

6 meetings to make sure that her delivery was a little bit

7 more positive.

So it's always Kathy, fix it. Fix it, Kathy. Make

9 it go away, Kathy. Make it happen, Kathy.

10 Q. You had testified before about other employees were

11 given a chance, they had I believe, you were saying, done

12 things that were more egregious than you, and they were

13 given a second chance, and you mentioned Anne Rogers, and

14 now you just told me Bob Supper, and then Meredith Feher.

Is there anyone else?

16 A. Under Tom, let me think. I can't think of anyone at

17 the moment.

18 Q. And how about from an age perspective, is it your

19 position that but for your age, you would not have been

20 terminated?

21 A. I didn't say but for my age.

22 Q. Do you think that was a factor?

23 A. I think that my advocating for myself, my advocating

24 for other employees, my disagreeing with Tom, all of those

25 things factor in. Probably my age as well since he hired

- someone younger than me to replace me.
- Q. Do you have any independent evidence that your age
 was a factor in the determination of separating you from
 employment?

MR. SCHWARTZ: Asked and answered. She's talked about repeated instances where he talks about getting rid of people because of their age, that's the policy. I mean, I think this has been asked and answered.

MS. DEON: You can answer the question.
THE WITNESS: Age is always an issue with
Tom. Aging Housekeeping staff, aging CNAs,
aging population in general, ah, it gives us a
higher instance in demographics for our benefit
renewal, it puts us at greater risk for injury
on the job.

Ah, they're higher paid, so their compensation is higher. We can hire people at a much lower rate if we brought them in -- if we brought new people in.

21 BY MS. DEON:

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- 22 Q. But specific to the decision to terminate you
- 23 following the Tweet, what evidence do you have that there
- 24 was consideration by Tom and the support of others for the
- 25 separation that age was something that was factored into

- that decision-making?
- 2 A. I think that my age was an issue for Tom.
- 3 Q. In that decision-making?
- 4 A. I think it was just an issue in general.
- 5 Q. Do you have any information concerning the individual
- 6 that replaced you about her background and credentials?
- 7 A. I only know her name, I only know her first name and
- 8 that she is in her forties.
- 9 Q. Do you have any reason or any evidence to suggest
- 10 that she's not qualified for the position?
- 11 A. I have no idea of her qualifications.
- 12 Q. How often would you have interaction with the Board,
- 13 if any?
- 14 A. With the Board of Trustees?
- 15 Q. Yes
- 16 A. I was invited to meetings sporadically; Board Members
- 17 also rotate on and off the HR Committee.
- 18 Q. Was it a more regular basis that you interacted with
- 19 the Board's HR Committee?
- 20 A. Yes.
- 21 Q. How often would that be?
- 22 A. We met four times a year.
- 23 Q. Who would lead those meetings?
- 24 A. The Chairman of the Board.
- 25 Q. What was the purpose of those meetings?

- A. It depended on the time of the year.
- 2 Q. Were there budget-related issues that were discussed
- 3 and policy issues?
- 4 A. Budget-related issues only in the sense from my
- 5 perspective of benefit renewal. Mr. Supper would do the
- 6 financials, I suppose, at his Finance Committee meeting.
 - My meetings were typically in March, usually about turnover reports, I did annual statistical reports. I
- 9 talked about training, orientation, the turnover. I'm
- 10 trying to think what else those reports were. And I would
- 11 talk about the benefit renewal, what that equated to in
- 11 talk about the benefit renewal, what that equated to in12 terms of a percentage of increase.
- 13 We would meet again in September. You know, usually 13
- 14 it was just a topic. And at the end of the year we would
- 15 meet, and I was usually only there for five or 10 minutes
- 16 before I was dismissed and they would go into Executive
- 17 Session.
- I was a token of information, I came in and reported
 information and then I was asked to leave every meeting
 for Executive Session.
- 21 O. Were there any instances where you were asked to
- 22 remain for Executive Session?
- 23 A. No.
- 24 Q. So there was never a time there was discussion about
- 25 litigation that you were involved in, or anything like

1 that?

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- 2 A. Well, it was -- if there was litigation, it would
- 3 have been just during the course of the regular meeting,
- 4 where we were talk about that. It was only HR Committee
- 5 members, Mr. Garvin, Mr. Supper, or before him, Anne
- 6 Rogers, myself, and whoever was taking the minutes of the
- 7 meeting as the Executive Assistant.
- 8 Q. So earlier you testified about certain senior
- 9 management females that came to you and made complaints.
 - Do you recall that?
- 11 A. Yes.

- 12 Q. And you said that you were asked by them not to go
 - 3 any further with investigating or bringing it to anyone's
- 14 attention; is that correct?
- 15 A. Yes.
- 16 Q. How about for individuals that were below that tier
- 17 of management, did you have any individuals that made
- 18 complaints to you about Mr. Garvin or anyone else creating
- 19 a hostile work environment or discriminating?
- 20 A. I had complaints from Marge Carpenter, who worked in
- 21 Resident Services, and I had a complaint -- I had
- 22 complaints from Debbie Best, the Dining Services Manager,
- 23 and both of them were directed to take their issues to
- 24 their direct supervisor. That was usually the chain of
- 25 command, to take their concerns to their immediate

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- 1 supervisor, and if they felt like they hadn't gotten
- 2 anywhere, to come back and bring it to me.
- 3 Q. And who would have supervised each of those
- 4 individuals?
- 5 A. Marge Carpenter is supervised by Janet Thompson, and
- 6 Debbie Best is supervised by Jim Heffron.
- 7 Q. Do you know what their complaints were about?
- 8 A. Yes.
- 9 Q. How about with respect to Marge, what was her
- 10 complaint?
- 11 A. Marge's complaint was she found it incredibly
- 12 insulting that Tom would participate in the employee
- 13 contests. She knows that he earns a whole heck of money
- 14 than an hourly employee, and yet he would participate in
- 15 all of the employee contests, and then when he won, he
- 16 would flaunt it to the staff.
- 17 So, for instance, he won the NCAA Tournament pick,
- 18 got a trophy and a gift card, and would go into the
- 19 kitchen and taunt the staff with his \$25 Target card or
- 20 Wawa card, whatever he happened to get, and his trophy,
- 21 and bragged about being the winner, she found that
- 22 obnoxious and appalling.
- 23 Q. How was that discriminatory?
- 24 A. It's discriminatory because, you know, he's a -- he's
- a senior leader, who is taking money from an hourly

- 1 employee who can't even pay their rent or pay for gas to
- 2 get to and from work.
- **3 Q.** How does that complaint, how does that fit within a
- 4 Protected Class? In order to be discriminated against, it
- 5 has to be on the basis of a Protected Class. What --
 - MR. SCHWARTZ: Well, I think that's
 - lecturing --
 - MS. DEON: Excuse me, I'm speaking.
 - MR. SCHWARTZ: Fine.
- 10 MS. DEON: Let me speak.
- 11 BY MS. DEON:
- 12 Q. You've heard the concept of a Protected Class?
- 13 A. Yes.
- 14 Q. So in order to have discriminatory treatment or a
- 15 hostile work environment, it would have to be geared
- 16 against a protected class, and I'm just trying to
- 17 understand how him keeping money from an employee contest
- 18 would be discriminatory?
- 19 A. The majority of the employees at Waverly Heights are
- 20 not white.
- 21 Q. So you considered that to be discriminatory against
- 22 the non-Caucasian employees?
- 23 A. Correct.
- 24 Q. And what basis do you have for your belief that he
- 25 retained prize money or other things that he won in

- 1 contests?
- 2 A. He would -- I would give them to him. I would give
- 3 him the prize money and he would take it.
- 4 Q. And are you aware of him then passing it along to
- 5 anyone else?
- 6 A. No.
- 7 Q. So if someone from Waverly would testify that they
- 8 had knowledge of him passing along those gift cards or
- 9 money, nominal money winnings, you would say that
- 10 individual is lying?
- 11 A. I would be shocked.
- 12 Q. Would you think that that individual is not being
- 13 truthful?
- 14 A. I would say that if that actually happened, that
- 15 would have been something that I heard of.
- 16 Q. So because you didn't hear about it, you're thinking
- 17 that it's not truthful?
- 18 A. Correct.
- 19 Q. Is there an employee by the name of Constance?
- 20 A. Constance Dogan.
- 21 Q. Is she head of Housekeeping?
- 22 A. Yes.
- 23 Q. And what was your relationship like with her?
- 24 A. We had a good relationship.
- 25 Q. Did you find her to be a truthful person?

1 A. Yes.

- 2 Q. In fact, you assisted her in being elevated into the
- 3 Director position?
- 4 A. I did.
- 5 Q. And how about with respect to Marge, is that the only
- 6 instance that she complained about?
- 7 A. She just complained about Tom's ego.
- 8 Q. How about Debbie Best?
- 9 A. Debbie Best came to me to complain about having to go
- 10 to Doylestown, the hardship that it posed to the Dining
- 11 Services staff, ah, carting food to Doylestown for a
- 12 private party.
- 13 You know, Waverly's Dining Services department
- 14 catered small events onsite. They were not a catering
- 15 company, so it was a tremendous hardship for them to feed
- the residents three meals a day, provide the care that
- 17 they were being paid to, and then in addition to that,
- 18 have to staff and get the food all the way to Doylestown,
- 19 so she complained about that.
- 20 She -- her exact comments to me were that Tom was
- 21 very social and very, you know, approachable before his
- 22 family and friends arrived. And then upon that, he
- 23 immediately turned on a dime and treated her like hired
- 24 staff. She was insulted, she thought it was such a misuse
- 25 of position, and she was very upset about it.

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- And were you of the opinion that that was 1 Q.
- discriminatory treatment towards Debbie, if that were, in 2
- 3 fact, true?
- I think it's an abuse of power. 4 A.
- 5 And what is Marge's position? Q.
- She's Resident Services ... something. Manager. 6
- 7 Q. Manager.
- Coordinator. 8 A.
- 9 Anyone else other than the Senior Leadership people Q.
- 10 that you mentioned previously, and Marge and Debbie who
- 11 are both Managers, anyone else that ever came to you and
- complained and you did not proceed because they asked you 12
- 13 not to do so?
- No. 14 A.
- Q. Did you ever have occasion where an employee came to 15
- you and made a complaint and said, I don't want anything
- done with this, and because of the nature of it, you had 17
- to say to them as the VP of HR, I will keep this as 18
- confidential as possible, but I need to take action on 19
- this matter of discrimination or harassment? 20
- 21 A. Yes.
- Q. And can you give me a description or an example of 22
- that? 23

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- 24 A. We had a Dining Services employee, actually several
- Dining Services employees, who told me that they were

- being serviced sexually by another Dining Services
- employee, and they were being sexually harassed. The
- men -- these were men being sexually-harassed by a woman. 3
- 4 Okay. So they were Dining Services employees that
- 5
- 6 A. Yes.
- Q. That were being serviced by a female employee? 7
- 8 A.
- And they were being sexually harassed by that female 9 Q.
- 10 employee?
- Correct. 11 A.
- And did all of the males come to you or just one or 12 Q.
- 13 two in the group?
- One came to me initially. And then when he went back 14
- and told his fellow employees that he had reported it, I 15
- encouraged him -- he didn't want me to do anything about 16
- 17 it initially --
- 18 Q. Uh-huh.
- and I told him that this is an environment that 19
- can't be tolerated, and that if he knew other employees 20
- that were experiencing the same thing, that they should 21
- 22 come to my attention. And I told him I would give him
- until tomorrow to make that happen. 23
- And so there were another -- there were two employees 24 that came to me to complain about the Dining Services

employee, um, about her sending text messages that were

- 2 sexual, calling this one gentleman's wife, providing
- sexual activity in the closet of the Dining Services 3
- room -- of the Dining Services kitchen, and so I had no 4
- choice -- I -- I had no choice, whether they agreed or 5
- not, I had to pursue that. 6
- Q. And was it your understanding that this woman was 7
- engaging in some type of sexual conduct with them --8
- 9 A. Yes.
- 10 Q. -- at the workplace?
- 11 And was it their position that they were
- participating in this in an involuntary manner? 12
- Initially they were participating voluntarily, it was 13
- a voluntary relationship, but when the two gentlemen tried 14
- to stop the relationship, it continued and she continued 15
- to pursue them that made them uncomfortable. 16
- 17 Q. And am I correct that they were all coworkers on the
- 18 same level?
- 19 She was a cook, so she was above them, they were A.
- 20 servers and util -- a utility worker.
- What was the race of the individuals? 21 Q.
- The cook is Caucasian and the other gentlemen were 22 A.
- 23 black.
- Q. How long ago did this happen? 24
- It happened maybe a year before I was terminated. 25 A.

- And after you conducted an investigation into that,
- what, if anything, wound up happening to the employees 2
- 3 that were involved?
- 4 The woman was terminated.
- 5 Q. How about the servers?
- 6 A. They were disciplined.
- Did Mr. Garvin support that action? 7 Q.
- 8 A. Yes.

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9 MS. DEON: If you can just give me a 10 moment, I don't want to be redundant

unnecessarily. 11

12 MR. SCHWARTZ: I'll use the mens room.

MS. DEON: That will be fine.

(Recess declared.)

(After recess.)

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- 20 Mrs. Jungclaus, since the time that you left Waverly,
- 21 can you tell me where you have received your source of

22

I know that there was a 1099 that was provided to me. 23

Can you just go through for me where you were employed or 24

25 engaged as an independent contractor?

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- I was engaged as an independent contractor at Catelli A. 1
- 2 Brothers, the veal and lamb company.
- And is that where the source of the approximate \$7000 3
- came from? 4
- 5 Α. Yes.
- 6 Q. What did you do for them?
- A. I was an employee relations consultants. I was asked 7
- R by Tony Catelli to come in and interview his employees to
- try and find out why there was so much employee turnover. 9
- And so I went in and I did lots of meet-and-greets 10
- with the staff, and obtained a lot of information, did a 11
- Plan of Action for them to improve their employment 12
- opportunities and conditions of their work environment. I 13
- helped them to establish a more cohesive senior leadership 14
- 15 team. Um ...
- Q. How large a company is it? 16
- They have about 450 employees. 17 A.
- 18 Q. Do they have a Director of Human Resources?
- 19 A. They do.

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7 A.

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19 Q.

20 A.

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24 A.

25 Q.

A. Q.

Q.

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applied for?

Yes.

on ZipRecruiter.

No.

Why?

- Was there any chance of applying for a position that 20 Q.
- would be more permanent with them? 21

What was that?

No, what was the last one?

Indeed.com.

ZipRecruiter.

not a single phone call.

Uh-huh.

- 22 When I was first engaged, Mr. Catelli wasn't
- convinced about the quality of the HR director that he 23
- had, and he said that if she didn't make any changes, he
- would be interested in retaining me as the Director of HR.

close to my position. And I sent out, gosh, I don't know

I networked, tried to find open positions, and I had

Did you keep a record of all positions that you

A. I don't have all of them. If you apply on indeed.com

you don't always get a confirmation, you just go to the

The positions that I applied for through the

so I think there were 57 positions that I applied for.

Pennsylvania Unemployment board, ah, that keeps a record,

My resume is posted on indeed.com, it's also posted

company website and submit an application.

Was that the PA CareerLink?

Did you ever hire a headhunter?

- And is that something that's still a possibility?
- 2 A. No.
- Q. Is that because she wound up accepting the 3
- recommendations you made and things improved? 4
- 5
- 6 Q. Are you familiar with an entity KMJ Consulting?
- 7 A.
- 8 0. And is that the name that you utilized when you did
- the work for Catelli Brothers? 9
- 10
- 11 Q. Are you familiar with a KMJ Consulting that is an
- 12 engineering company?
- 13 A.
- Okay. Since the time that you were separated from 14 Q.
- employment in September of 2016, when did you first start 15
- looking for new employment? 16
- Right away, I believe it was the very beginning of 17 Α.
- 18 October.
- And have you continued to search for new employment 19 Q.
- since that time? 20
- Yes. 21 A.
- How many hours would you say that you devoted per day 22 Q.
- to searching for a new position? 23
- In the beginning it was a lot, I was applying for 24 A.
- 25 everything that I could find that would be even remotely

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- 1 I thought I would be able to find a job on my own.
- And are you able to give an estimate of the hours per how many resumes. I applied on indeed.com web postings, I 2 Q.
- applied on ZipRecruiter postings. week that you spent on your job search?
 - I don't know, it was a couple hours a day. 4
 - 5 Even though some of these required you to apply
 - 6 online and they didn't necessarily give you a
 - 7 confirmation, did you record anywhere what you were
 - 8 applying for?
 - 9 Well, I was always applying for the same thing, it
 - was either a Director of Human Resource position, a Vice 10
 - 11 President of Human Resource position, a Generalist
 - 12 position, even a Human Resource Manager position.
 - 13 But did you record somewhere which -- the name of the
 - company, for instance, or the date that you submitted it, 14
 - 15 so that you could keep a record and follow up with it?
 - 16 No, because I think if you log back into the
 - 17 company's website, if you -- you could see if you were
 - 18 under consideration or not under consideration.
 - And when you say the company's website, you don't 19
 - mean Indeed or ZipRecruiter, you mean the actual company 20
 - 21 that you were applying for?
 - Right. For instance, if I applied at 22
 - 23 GlaxoSmithKline, you have to apply on their are website.
 - You can create a login, and then you can go back in and 24
 - see the status of your application. It will say whether

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- 1 you're under consideration or not being considered.
- 2 Q. Okay, so that's my question. Did you somewhere
- 3 though maintain a record of May 1st, these are the
- 4 different companies I applied to?
- 5 A. No, I did not. I applied, like I said, through the
- 6 Career ... whatever that is, for the unemployment board.
- 7 Q. CareerLink®?
- 8 A. CareerLink®.
- 9 I was hired by Catilli in May of 2017, so I had been
- 10 doing job searches up until then. And then when I got the
- 11 consulting position, I was really busy with them, so I
- 12 would continue to put applications in, but it wasn't as
- 13 often.
- 14 And then I was hopeful that that would turn into a
- 15 full-time position, so I was devoting most of my time and
- 16 attention that.
- 17 Q. How long was the job with Catilli?
- 18 A. I stopped in May of 2018.
- 19 Q. And how many hours per week would you say that you
- 20 were devoting during that year?
- 21 A. It depends on the week and it depends on what I was
- 22 working on. Some weeks it was 40 hours, some weeks it
- 23 would have been 10 hours a week. If I was on site, it
- 24 could have been longer days, um, it just depended on the
- 25 week and what I was working on.

- 1 Q. What was compensation that was negotiated for your
- 2 work there; was it on an hourly?
- 3 A. I was paid \$125 an hour.
- 4 Q. And the total for the year was approximately 8000?
- 5 A. After taxes, that was net.
- 6 Q. Did you receive an email from Mr. Garvin about a HR
- 7 Director position at Pine Run after your termination?
- 8 A. Yes.
- 9 Q. Did you apply for it?
- 10 A. No.
- 11 Q. Why?
- 12 A. It was the day after I was fired, and I was not in
- 13 any condition to be applying for a job.
- 14 Q. Did you ever check a couple weeks later in October
- 15 when you started your job search whether that was
- 16 available?
- 17 A. Yes.
- 18 Q. And was it available at that time?
- 19 A. No.
- 20 Q. How did you determine that it was no longer
- 21 available?
- 22 A. I went on the PANPHA website where they list
- 23 all -- most companies that are CCRCs list position
- 24 openings.
- **25 Q.** I know you mentioned before that you have a degree in

Psychology.

- 2 Where did that come from?
- 3 A. Gwynedd-Mercy College.
- 4 Q. Do you belong to the their alumni association?
- 5 A. No.
- 6 Q. Did you attempt to make any search of the
- 7 Gwynedd-Mercy alumni when you were doing your job search?
- 8 A. No.
- 9 Q. Any professional organizations that were involved in
- 10 your job search?
- 11 A. No.
- 12 Q. Did you ever engage a career counselor to help you
- 13 with your job search?
- 14 A. No.
- 15 Q. Did you ever look into outplacement services for your
- 16 job search?
- 17 A. Like a temporary company?
- 18 Q. Yes.
- 19 A. I did look at, um -- there's a temporary human
- 20 resource company, I sent them my resume, and I never heard 20
- 21 back from them.
- 22 Q. Did you interact with any community groups, Rotary,
- 23 or political groups or any people networking-wise for a
- 24 job search?
- 25 A. Yes.

- 1 Q. And which groups were those?
 - 2 A. I worked -- I interacted with all of the CEOs and
 - 3 CFOs that participate in the Churchhill Group. The
 - 4 majority of them are in the Philadelphia area.
 - 5 Q. And is that involved with the Captive?
 - 6 A. Yes

- 7 Q. Did you send emails to them?
- 8 A. 1 did.
- 9 Q. Did you attach your resume and cover letter?
- 10 A. I sent my resume.
- 11 Q. Did you hear back from any of them?
- 12 A. That's how I got the position with Catilli.
- 13 Q. Were you required to do any out-of-state travel for
- 14 Catilli or was everything located in Pennsylvania?
- 15 A. In Pennsylvania. It's actually in New Jersey.
- 16 Q. Okay. Do they have only a site in New Jersey or do
- 17 they have multiple?
- 18 A. They have their office location, which is they
- 19 have an administrative office that is attached to the
- 20 manufacturing plant and then they have the -- what they
- 21 call the Kill Center.
- **22 Q.** Did you retain any type of a log with notes that
- 23 would detail all of your job efforts?
- 24 A. I keep a lot of notes, but, no.
- 25 Q. Do you have notes about your job search?

- 1 A. Just what I provided already.
- Q. Is there anything that's handwritten that would be
- 3 notes that you have about your job search or was
- 4 everything in a printed or typed form?
- 5 A. Printed or typed. The only thing that I have notes
- 6 on are working with Catilli.
- 7 Q. Okay. Do you keep a journal or any other type of a
- 8 notebook on your phone that would have information related
- 9 to the lawsuit?
- 10 A. Maybe just appointments. I do keep my book, it's
- 11 more like a to-do list. And I do keep different -- like
- 12 if I'm thinking of something, I'll just write it down so I
- 13 don't forget.
- 14 Q. Do you have any notes that would be relevant to this
- 15 lawsuit?
- 16 A. Only notes of things that I wanted to talk to my
- 17 attorney about.
- 18 Q. Did you seek counsel from anyone regarding the
- 19 updating of your resume and cover letter or did you do
- 20 that on your own?
- 21 A. Well, I updated it on my own. I did send it to my
- 22 two sisters to look at, both are professionals.
- 23 Q. Did you at any time when you were employed by Waverly
- 24 ever look for another position?
- 25 A. I did.

- 1 Q. When was that?
- 2 A. In, I'm going to say, around 2012 when I was going
- 3 through the issue with Anne Rogers.
- 4 I actually spoke with the Waverly Heights
- 5 compensation consultant about looking for a new position,
- 6 and asked him if he was aware of anything within the
- 7 community that he worked.
- **8 Q.** Did he provide you with any feedback?
- 9 A. I don't really remember if he did or he didn't.
- 10 I also talked to, um -- I'm not going to remember his
- 11 name, but he was a recruiter from the Health & Science
- 12 Institute, it's where we actually got Meg Guenveur when we
- 13 first hired her, and I spoke with him about looking for a
- 14 position as well.
- 15 Q. Did you ever actually make applications for another
- 16 job?
- 17 A. Yes, I went on interviews.
- 18 Q. Okay. How many interviews did you go on?
- 19 A. Three.
- 20 Q. And am I correct that you did not get offers for each
- 21 of those?
- 22 A. I did get offers for two.
- 23 Q. Why didn't you take them?
- 24 A. Because at the time when I was talking to my husband
- 25 about it, I decided to stay with the devil I know versus

- 1 the devil I don't.
- 2 0. And when you refer to the devil, what are you
- 3 referring to?
- 4 A. Just the company. Knowing the players, knowing your
- 5 fellow coworkers, um ...
- 6 Q. Were the two offers that you got for similar
- 7 compensation?
- 8 A. They were pretty close.
- **9 Q.** Were they more?
- 10 A. I think one was more, but the benefits were
- 11 different.
- 12 Q. Your husband testified this morning about a position
- 13 that you have recently accepted.
- 14 A. That's correct.
- 15 Q. Where is that?
- 16 A. Right at Home.
- 17 Q. What type of company is that?
- 18 A. It's a home-care company.
- 19 Q. What would your role be?
- 20 A. Sales, marketing and Outreach Coordinator.
- 21 Q. How large an organization is it?
- 22 A. I don't know how many employees they have, I haven't
- 23 started yet. I know that my territory that I'll be
- 24 covering will be from Elkins Park to Doylestown, Levittown
- 25 to Lansdale.

- Q. Will you be working out of one of their offices or
- 2 are you doing sales on-the-road, so to speak?
- 3 A. It's on-the-road. There is a mandatory Monday
- 4 meeting that I'll be attending and the rest of the time
- 5 it's out on the road.
- 6 Q. And what is the salary that you'll be receiving?
- 7 A. It's a \$45,000 base salary, and I'll be eligible for
- 8 a commission after 90 days.
- 9 Q. And how is it that you earn commissions?
- 10 A. Can I look at my note real quick because I have it
- 11 written down?
- 12 Q. Okay.
- 13 A. I haven't started yet, so I don't have it 100 percent
- 14 absorbed. So it's I have to have at least \$36,000 in base
- 15 revenue prior to earning a commission, and then it's a one
- 16 to two percent gross revenue based on a sliding scale.
- 17 Q. And is the document that you're looking at your
- 18 compensation for the new position?
- 19 A. It's my notes from my meeting with him to discuss the
- 20 compensation, it's nothing formal.
- 21 Q. Okay, I understand, but just it's an explanation
- 22 though of how the commission structure will work?
- 23 A. To the best of my ability at the time that I wrote
- 24 it.
- 25 Q. Okay.

It took me a couple of meetings to absorb the -- I'm 1 A. not a salesperson, so the commission and the percentages 2 and the base revenue is foreign to me, so I'm just 3 4 learning. MS. DEON: Okay. May I make a copy of that 5 then, Mr. Schwartz? 6

MR. SCHWARTZ: Sure.

(Discussion held off record.)

(KJ-1, Right at Home compensation document, was marked for the purpose of identification on this date and is attached hereto.)

BY MS. DEON: 15

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- Okay. Looking at what's been marked as KJ-1, I 16
- believe you testified that this document reflects 17
- information about your compensation package for your new 18
- 19 position; is that correct?
- That's correct. 20 A.
- And is this your handwriting? 21
- A. 22 Yes.
- So since you will be on the road making visits, can I Q. 23
- assume that the IRS rate for mileage would be for your 24
- travel expenses?

- A.
- And you'd be reimbursed for them? 2 Q.
- 3 A. Yes.
- And you would need to do an expense report for that. 4 Q.
- Is that what the next --
- A. Ves. 6
- And you did tell me about your territory, which I 7 Q.
- believe is depicted as Elkins Park/Doylestown, Langhorne 8
- to Lans -- L-A-N-S is Lansdale? 9
- Yes. 10
- Okay. Now, the 40 to 60 a month, is that the number 11 Q.
- of visits that you're expected to make? 12
- 13
- Okay, 20 one time a week, 20 two times per month, 21 14 Q.
- 15 times per month.
- Okay, so that means that there are visits that are --16
- the top 20 -- the top 20 visits are the most important, 17
- they need to be visited at least one time a week. The 18
- second 20 are kind of the B tier, so they need to be 19
- visited two times per month, and then the C Tier is the 20
- last and that's one time per month. 21
- Q. And who are you calling on? Are they current 22
- individuals that are receiving home care by the 23
- 24 organization?

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No. I'm representing the company to social workers, 25

outreach coordinators, hospitals, nursing homes to make

- Right at Home their primary referral if someone needs home 2
- 3
- Q. Okay. And is the type of home care that they're 4
- talking about CNAs or not necessarily people that have a 5
- 6 CNA?
- A. They're Home Health Aides. 7
- Q. Okay. And it wouldn't include physical therapy, 8
- occupational therapy, anything like that, this 9
- organization soley does a noncertified home health 10
- 11 professional?
- A. Correct. 12
- Okay. Do they have live-in people as well? 13 Q.
- 14
- So the 45,000 is a base that you will receive whether 15
- or not you're able to secure other business; is that 16
- correct? 17
- 18 A. Correct.
- Now, the sliding scale, the one to two percent gross 19
- revenue, can you explain what is meant by that. 20
- A. I'll do my best. 21
- Q. Okay. 22
- The percentage, the sliding scale percentage is based A. 23
- off of anything over \$36,000. So there has to be a base
- revenue of sales of at least \$36,000, anything above that

- will be based on a one to two percent commission. 1
- And the sliding scale is based on dollars. So I 2
 - think it's between 36 and \$42,000 is one percent, 42 to
- 46 percent is like 1.3 percent, 46 percent to 50 -- or 4
- 5 46,000 to 50,000 is like one and a half percent.
- So that's the sliding scale; as the dollars go up, 6
- 7 the percentage goes up.
- Okay. And it's 42,000 to 46,000, I think you said, 8
- 9 percentage -
- I don't remember the exact numbers, but it's 10
- somewhere in those ranges where it's a four to five 11
- thousand dollar difference in sales the percentage goes up 12
- minimally and it caps at two percent. 13
- Okay. Is John McCabe your supervisor? 14
- Oh, you know what, that's like a contractor. Can 15
- we -- I just happened to write his phone number down, so 16
- could we cross that out? I don't like sharing the 17
- 18 person's phone number.
- MR. SCHWARTZ: If you can black that out, 19
- it would be nice. 20
- BY MS. DEON: 21
- So is there any room for expansion with -- or I 22
- should say for promotion within the organization? 23
- Not a promotion, no. 24 Α.
- Have you ever done this type of work before? 25 Q.

- 1 A. No. I worked for a -- I worked for BAYADA nurses for
- 2 10 years, they were they're obviously a home healthcare
- 3 company, but I was a Staff Supervisor and then a Director
- 4 in their office in Willow Grove, but the actual sales, no.
- 5 Q. When will you begin that position?
- 6 A. Tuesday.
- 7 Q. Do you have to undergo any type of orientation before
- 8 you will be assigned to call on people?
- 9 A. I'll be spending two weeks on the road with the CEO.
- 10 Q. Do you have any benefits other than the base salary?
- 11 A. I don't know.
- 12 Q. And is this full time?
- 13 A. Yes.
- 14 Q. What is their definition of full time?
- 15 A. Forty hours a week.
- 16 Q. Do you know whether you get any vacation?
- 17 A. I do. I get six weeks vacation.
- 18 Q. You don't know whether you get medical insurance
- 19 coverage?
- 20 A. I don't know.
- 21 Q. If it is offered, is that something that you are
- 22 going to take?
- 23 A. It depends on the coverage. I'm covered under my
- 24 husband's insurance right now, so I guess it's just going
- 25 to depend on what the cost is. We'll have to do a

- 1 comparison to see what we're paying now versus what my
- 2 options will be with this company.
- 3 Q. Is there any type of disability insurance?
- 4 A. I don't think so.
- 5 Q. How about life insurance?
- 6 A. I don't think so.
- 7 Q. In the Answers to Interrogatories, No. 4., you stated
- 8 that you have had difficulty getting employment because of
- 9 the contested unemployment proceeding, I believe is what
- 10 you're referencing.
- 11 Is that accurate?
- 12 A. Yes.
- 13 Q. Upon what do you base that?
- 14 A. I find it nowadays when people are doing recruiting,
- 15 they will Google search anyone that they're considering to
- 16 see if there's a Facebook page or if there's an Instagram
- 17 page, or if there is anything. When you Google my name,
- 18 it's pages and pages and pages about the unemployment
- 19 findings.
- 20 Q. Has anyone directly told you that that is a reason
- 21 that you were not offered a position or an interview?
- 22 A. I had a call -- I had one phone call from a recruiter
- 23 who asked me if I would be interested in a position of
- 24 Vice President of Human Resources, I think it was at St.
- 25 Mary's Hospital, and I said I would be very interested.
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- 1 And he said, Can you send me your resume, I want to
- 2 do, you know, some preliminary research on you, and I'll
- 3 call you tomorrow to set up an interview, and I never
- 4 heard from him again.
- 5 Q. Do you know his name?
- 6 A. I don't remember, it's ages ago.
- 7 O. You didn't keep a record of it anywhere?
- 8 A. No. I thought it was on my LinkedIn page, but I --
- 9 when I went back to look, I didn't see it.
- 10 Q. Was he an inside recruiter for St. Mary's or was it
- 11 your understanding he was an outside recruiter?
- 12 A. Outside recruiter.
- 13 Q. And you are speculating, because you did not hear
- 14 from him again, that it was because of the information
- 15 that he looked at online?
- 16 A. Yes.
- 17 Q. Other than that, do you have any direct information
- 18 that the information online is resulting in you not
- 19 getting a position?
- 20 A. It's the only -- it's the only explanation that I can
- 21 come up with for not having a single phone call about a
- 22 job in two years.
- 23 Q. Other than speculating that that's the reason, do you
- 24 have any direct evidence?
- 25 A. No.

- **Q.** Okay.
 - (KJ-2, interrogatories, was marked for the
- 4 purpose of identification on this date and is
 - attached hereto.)
- 7 BY MS, DEON:
- 8 Q. If you would look, Mrs. Jungclaus, at -- the pages
- 9 are not -- oh, they are, No. 4., please.
- 10 A. Question 4. or Page 4.
- **11 Q.** Page 4, Question 5.
- 12 A. Uh-huh.
- 13 Q. Can you describe for me the monetary damages that you
- 14 have suffered?
- 15 A. Well, obviously the loss of my wages, the loss of my
- 16 health benefits, the loss of my contribution to my
- 17 retirement fund, the inability to get a job. I don't
- 18 really think that there's a value -- or dollar value that
- 19 you could put on the demoralizing and humiliating
- 20 experience.
- 21 Q. Are you claiming that you suffer any medical ailments
- 22 as a result of separation from employment?
- 23 A. Yes.
- 24 Q. And what is that?
- 25 A. I've always had low blood pressure, my blood pressure

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- is usually 90 over 60 historically.
- 2 The day of the unemployment hearing where I was on
- 3 the phone conference, it was so awful. I had an ear
- 4 doctor appointment scheduled. And when I went to the ear
- 5 doctor, the nursing -- the nurse took my blood pressure
- 6 four times because it was so exorbitantly high. They
- 7 wanted to call an ambulance and send me to the hospital,
- 8 they were afraid I was going to have a stroke on the
- 9 chair.
- 10 Q. How long after the hearing did you go to the doctor's
- 11 office?
- 12 A. Within an hour.
- 13 Q. And why did you have an appointment at doctor's?
- 14 A. I had an earache.
- 15 Q. Did you wind up going to the hospital?
- 16 A. I -- they -- I didn't go to the hospital. I called
- 17 my family physician, who prescribed me some kind of an
- 18 emergency medication you can take for blood pressure, and
- 19 I had to go right to the pharmacy to take the medication,
- 20 they filled it right away for me.
- 21 He thought that my going to the emergency room would 21
- 22 be more traumatic, so he just wanted to treat me with the
- 23 medication. And I had to go two hours later to have my
- 24 blood pressure taken, um, by a blood pressure cuff, to
- take my blood pressure to make sure that it had come down

- 1 to a reasonable level. I was on the emergency medication
- 2 for five or six days, and I continued to be on blood
- 3 pressure medication.
- 4 Q. To this day?
- 5 A. Yes.
- 6 Q. And where did you go two hours later to have your
- 7 blood pressure taken?
- 8 A. I went to the Walgreens.
- 9 Q. Like a medi-clinic or --
- 10 A. Yes, and that's where I had my prescription filled,
- 11 also.
- 12 Q. The emergency medication that you spoke of, are you
- 13 taking something different now?
- 14 A. Yes.
- 15 Q. What are you taking now?
- 16 A. I knew you were going to ask me that. Advor --
- 17 Atorvastatin, I think it's called.
- 18 Q. How often do you take it?
- 19 A. Every day.
- 20 Q. How much longer will you have to take it?
- 21 A. I don't know.
- 22 Q. Are you being followed by a cardiologist?
- 23 A. I did go to a cardiologist and I had a harness, I
- 24 wore a harness for 24 hours. And I had a -- I had an EKG
- 25 at my doctor's office within a couple days of the episode.

- 32
- Q. And what were the results of that EKG?
- 2 A. That I didn't have a heart attack, but my blood
- 3 pressure was still high. The bottom number was -- it's
- 4 usually like ... It was over 110.
- 5 So I had to go back to have a second echo, um --
- 6 electrocardiogram the following week. My doctor thinks
- 7 that it's situational, and that when this case is over and
- 8 I can stop reliving it on a daily basis, that, hopefully,
- 9 within a few months my blood pressure will go back to
- 10 normal.

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- 11 Q. And when you say reliving it on a daily basis, what
- 12 do you mean?
- 13 A. Just what I said; answering questions, filling out
- 14 interrogatories, having to do this deposition, constant
- 15 reliving of the worst day of second worst day of my
- 16 life.
- 17 Q. And is the first worst day of your life with respect
- 18 to your prior husband?
- 19 A. Yes.
- 20 Q. And just for the record, am I correct that there was
- 21 a suicide involved?
- 22 A. Yes.
- 23 Q. Okay. How long ago was that?
- 24 A. January 28 -- 29th, 1998.
- 25 Q. You were working at Waverly at the time?

1 A. I was

- 2 Q. Have you continued to treat with your family doctor
- 3 concerning the ailments that you just mentioned to me
- 4 regarding the high blood pressure?
- 5 A. I do treat with him. I treat -- I -- in addition to
- 6 the blood pressure, in December of 2016 he put me on
- 7 lorazepam and he put me on Ambien because I wasn't
- 8 sleeping and I was having panic attacks.
- 9 Q. And is the lorazepam an antianxiety medication?
- 10 A. Yes
- 11 Q. Was that post-termination?
- 12 A. Yes
- 13 Q. How often do you take lorazepam?
- 14 A. I took it for four months. I'm off lorazepam and I
- 15 am on escitalopram now, which is a different anxiety
- 16 medication. I take it every night and I've been on it for
- 17 over a year and a half.
- 18 Q. And how about the Ambien, is that something that you
- 19 take regularly or just if you're having trouble falling
- 20 asleep?
- 21 A. Initially I took it every night. Now I take it -- it
- 22 depends on the situations. The last week and a half I've
- 23 been taking it every night. I tend to at night, when I
- 24 get in bed, relive the events, and then I have a panic
- 25 attack and I can't sleep, I have anxiety, and it's just --

- it's awful. 1
- Have you -- I know that you are seeing a 2
- psychologist, and I'll ask you about that in a moment, but 3
- in addition to the medications that you've mentioned, as 4
- well as treating with a psychologist, is there anything 5
- else that you've been doing to address the panic attacks 6
- 7 and the anxiety?
- A. I meditate. 8
- Did you go for any formal instruction in that or is 9
- that something you've picked up on your own? 10
- I started under the direction of my -- of my 11
- therapist to meditate. Um, I do yoga. 12
- How often do you meditate? 13 Q.
- 14 A. Every day.
- Is there a particular time? 15 Q.
- In the morning. 16 A.
- Do you meditate only once per day? 17 Q.
- It depends on the day. 18 A.
- And how about the yoga, how often do you do that? 19 Q.
- A couple times a week. 20 A.
- Do they recommend any other type of physical activity 21 Q.
- to address your condition? 22
- Just to exercise. I run a couple times a week. I 23
- make sure that I go to the gym or I go for a walk every 24
- 25 single day.

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- Are you on any other medications other than what you
- just mentioned to me?
- I take Klonopin for cholesterol. I take Singulair 3
- 4 for my asthma.
- And how long have you been taking medication for 5 Q.
- 6 cholesterol?
- 7 Hmm, four years.
- And is that something that is just hereditary or Q. 8
- 9 diet?
- 10 A. Hereditary.
- How about the medication for your asthma, how long 11 Q.
- have you taken that? 12
- I have taken that since I had the episode in the 13 A.
- 14 attic.
- Q. And is that a pill/oral form? 15
- 16 A. Yes.
- Is that a daily basis? 17 Q.
- 18 A.
- Had you ever had an asthma attack prior to the day of 19 Q.
- in the attic? 20
- 21 A. 1--
- 22 MR. SCHWARTZ: By the attic, are you
- talking about her attic, or whose attic? 23
- MS. DEON: The attic at Waverly that you 24
- had an incident in, I believe, August of 2016. 25

THE WITNESS: I haven't had an asthma attack like that ever. I've had asthma attacks as they relate to sinus infections, that's typically what would bring on an asthma attack.

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- BY MS. DEON: 6
- 7 Q. Am I correct that the incident at Waverly was

I've never had an attack like that.

- August 19th, 2016? 8
- A. Yes. 9
- It occurred in the attic, which is in the same Q. 10
- building as where your office was at Waverly? 11
- 12 A. Yes.
- Q. Had you ever gone in that attic before? 13
- I had been up there just to go up and come right back 14
- down again, but I had been up there for a couple hours 15
- that day. 16
- Q. And what necessitated you being up there for a couple 17
- 18 of hours?
- We were the Senior Leadership Team was instructed 19
- to go up and go through old files to see what we could get 20
- rid of, what was trash and what needed to be retained. HR 21
- has boxes and boxes and boxes of files for 20 years. 22
- So it was finding the boxes, finding what's in the 23
- boxes. Is it something that needed to be retained or was
- it something that we could get rid of.

- How long were you up there before you began having 1
- any types of symptoms? 2
- I was up there for about three hours. I was 3
- coughing, but I didn't actually have the reaction until I 4
- came back down from the attic and I started to breathe
- air, and my chest closed and I could not breathe. 6
- Who at that moment was -- strike that. 7
- Was anyone in your presence when that happened, when 8
- 9 you had that reaction?
- A. My staff. 10
- And who on your staff would have been present for 11 Q.
- 12 that?
- Jacquie Levin and Jen Reardon. 13 A.
- And what did they do in response to that? Q. 14
- They told me I should go down to the nurse in the 15 A.
- healthcare center. 16
- 17 Q. Did anyone accompany you?
- Jacquie walked me down to -- halfway, and then I met 18 A.
- Meredith in the hallway and she took me down to see 19
- Theresa Mscizc, who was the Assistant Director of Nursing. 20
- Can you spell Mscizc, please? 21 Q.
- It's M-S-C-I-Z-C, I think. I know it's a lot of 22 A.
- 23 consonants.
- Okay. And what happened at that point? 24 Q.
- Theresa made me -- she went and got a puff machine 25 A.

where you have to blow out and it tells you what your
oxygen level intake is, and she immediately started me on
a nebulizer treatment.

So I sat in her office with the nebulizer treatment, finished the nebulizer treatment, and within 15 minutes there was no improvement. So she said it's against medical protocol, but she was going to do it anyway, to give me a second nebulizer treatment.

So I sat through a second nebulizer treatment. And when that didn't do anything, she wanted to call an ambulance and have me taken out, and I was nervous about doing that.

So she said, Let's try one more thing, let's try the freezer. So she walked me to the kitchen and stuck me in the walk-in freezer where I stayed for, I don't know, several minutes before my breathing came back to normal.

17 Q. Did she recommend that you seek medical treatment
18 from either your family doctor or from some other source
19 at that point?

20 A. Yes, she told me to go to my allergist.

21 Q. And did you do that?

22 A. I did.

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23 Q. When did you do that?

24 A. I made an appointment that afternoon and I went

25 either the next day or the following day.

- 1 Q. Do you know what day of the week this happened?
- 2 A. I don't recall.
- ${f Q}$. Thursday, August 18th, 2016, this was on the
- 4 19th.
- Okay. So I'm going represent that August 19th,
- 6 2016 was a Friday. Does that refresh your memory?
- 7 A. I don't remember the day of the week, so I -- if I
- 8 made an appointment, it had to be for the following week,
- 9 Monday or Tuesday, because they don't have office hours on
- 10 the weekend.
- 11 Q. And were you expecting guests at your home over the
- 12 weekend right after this occurred?
- 13 A. I don't remember.
- 14 Q. Do you recall telling anyone that you didn't want to
- 15 seek medical treatment because you were going to your home
- 16 in the Poconos and had guests coming?
- 17 A. No, I don't remember that. I have a nebulizer at
- 18 home, so I can, um -- if I have an asthma attack or have
- 19 difficulty breathing, I can use my nebulizer at home until
- 20 I can see my doctor.
- 21 Q. Let me ask you about the psychologist that you're
- 22 treating with. What is the name of your psychologist?
- 23 A. Rhoda Fuchs-Morton. Rhoda, R-H-O-D-A, F-U-C-H-S
- 24 hyphen Morton, M-O-R-T-O-N.
- 25 Q. Are you familiar with the news articles that were

provided to me in discovery about the case?

2 A. No.

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MS. DEON: Let's have this marked.

(Discussion held off record.)

7 BY MS. DEON:

- **8 Q.** Are you aware, Mrs. Jungclaus, of there being any
- 9 comments in news articles that are available online with
- 10 respect to this case?
- 11 A. When the articles first came out, I know that people
- 12 were making comments.
- 13 Q. And was your attorney, Mr. Schwartz, one of them?
- 14 A. I don't recall.
- 15 Q. The topic of emails that were sent by Mr. Soltis, can
- 16 you describe for me what those emails depicted to the best
- 17 of your recollection?
- 18 A. They were racist, they were disgusting, they were
- 19 anti-Obama, anti- Hillary Clinton, anti-Jewish,
- 20 antisemitic, it was disgusting.
- 21 Q. Did you make a complaint to anyone about that?
- 22 A. I went to Mr. Garvin.
- 23 Q. And is it -- were you offended by them?
- 24 A. Yes.
- 25 Q. What did Mr. Garvin say?

- 1 A. That he's the Chairman of the Board.
- 2 Q. Did you bring this to the attention of anyone else?
- 3 A. No.

- 4 Q. Did anyone else complain to you about them?
- 5 A. Janet Thompson.
- **6 Q.** What was the nature of her complaints?
- 7 A. Same as mine, she thought that they were awful,
- 8 disgusting. She couldn't believe that we were subjected
- 9 to this during the workday.
- 10 Q. What is, if you know, Janet Thompson's political
- 11 affiliation?
- 12 A. I have no idea. Based off of her Facebook page, I'd
- 13 say she's a Democrat.
- 14 Q. How long have you treated with the psychologist?
- 15 A. I started with Rhoda about a year and a half ago,
- 16 maybe a little longer than that.
- 17 Q. What precipitated you treating with her?
- 18 A. My constant panic attacks and crying jags.
- 19 Q. So were you employed at Waverly or not?
- 20 A. No.
- 21 Q. Okay. Other than your husband alluded this morning
- 22 that you may have, with your children, had some family
- 23 therapy following your husband's unfortunate passing.
- 24 Have you engaged a psychologist for yourself
- 25 individually or a counselor of any type on any other

- 1 occasion?
- 2 A. In my whole life?
- 3 Q. Yes.
- 4 A. Yes.
- 5 Q. Okay. And can you just tell me approximately when
- 6 and for what purpose?
- 7 A. I had family counseling as a young person, I was
- 8 about 14, we went to family counseling because my father
- 9 was an alcoholic.
- 10 I sought individual counseling at the beginning of my
- 11 marriage to George, who was my husband that killed
- 12 himself. And then I had counseling with my children after
- 13 his suicide, and some individual counseling.
- 14 Q. And the individual counseling that you mentioned with
- 15 George, was that regarding marital issues?
- 16 A. It was when I was married to George. I didn't have
- 17 counseling with him, I had individual counseling.
- 18 Q. Okay. And that individual counseling though, was the
- 19 purpose of that to deal with marital issues or something
- 20 else?
- 21 A. Marital issues.
- 22 Q. How often do you treat with your current
- 23 psychologist?
- 24 A. In the beginning I was seeing Rhoda once a week.
- 25 Then it's down to like once every two weeks based on her

- 1 schedule. So two or three times a month, depending on
- 2 when we can coordinate time together.
- 3 Q. And how long are those sessions?
- 4 A. An hour and 15 minutes.
- 5 Q. Have those sessions included matters only related to
- 6 your Waverly separation?
- 7 A. No
- 8 Q. Has she provided you with any kind of opinion
- 9 concerning the source of your panic attacks and anxiety
- 10 that you testified to?
- 11 A. She thinks I have posttraumatic stress disorder.
- 12 Q. What is the source of that posttraumatic stress
- 13 disorder, if there was one or more events?
- 14 A. My termination.
- 15 Q. What is the prognosis, if any, that she's provided
- 16 you with?
- 17 A. Well, I, um -- I have been so devastated by this
- 18 experience that I haven't been able to move on to the
- 19 anger phase of like crisis mode. So first you're sort of
- 20 in denial and then you go through an anger phase.
- 21 And then I am just starting to get into the anger
- 22 phase and I'm so incredibly angry for the way that I was
- 23 treated and for the way that I was taken off the property
- 24 and treated like a criminal. And I just -- it's going
- 25 to -- it could be a very long time before I don't need to

- 1 see her anymore.
- 2 Q. And has she given you any estimate?
- 3 A. No.
- 4 Q. You testified earlier that you didn't have a lot of
- 5 recall about what occurred when you met with Amy Blessing
- 6 and Janet Thompson following your meeting when you were
- 7 terminated.
- 8 Do you recall that?
- 9 A. Yes.
- 10 Q. Do you recall at some point going to your office?
- 11 A. Yes.
- 12 Q. Were you accompanied by anyone when you left -- were
- 13 you in Janet's office?
- 14 A. I was in Janet's office; Marc Heil accompanied me
- 15 upstairs.
- 16 Q. So Marc walked with you from where Janet's office is
- 17 up to where your office is located; is that correct?
- 18 A. Marc was waiting for me outside of Tom's office. And
- 19 then I -- he started to walk with me and Janet's office
- 20 was right there. I went into her office and then Marc
- 21 took me upstairs to my office.
- 22 Q. So was Marc standing outside of Janet's office when
- 23 you were in there speaking with -
- 24 A. Yes --
- 25 O. Let me -

- T A. he was -- I'm sorry.
 - 2 Q. Were you -- was he standing outside the office when
 - 3 you were in Janet's office?
 - 4 A. He was in the vicinity. I'm not sure if he was right
 - 5 there or if he had walked back to Tom's office or -- I'm
 - 6 not sure, I don't know. I just know that when I left her
 - 7 office, he was there and he walked me up to my office.
 - 8 Q. Okay. And was Amy Blessing already in Janet's office
 - 9 when you came into the office?
 - 10 A. Amy walked with me.
 - 11 O. From Tom's office into Janet's office?
 - 12 A. Yes.
 - 13 Q. And then Amy stayed there while you talked to Janet?
 - 14 A. Yes
 - 15 Q. And how long -- do you have any sense of how long you
 - 16 were in -
 - 17 A. A minute -
 - 18 O. -- the office?
 - 19 A. not long.
 - 20 Q. And then, to your knowledge or your recollection,
 - 21 Marc Heil -- is that who we're speaking of?
 - 22 A. Yes
 - 23 Q. He then walked with you to your office?
 - 24 A. Yes
 - 25 Q. Was there anyone else that you encountered while you

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- were walking to your office?
- 2 A. Brenda McFadden.
- And what position does she have? Q. 3
- I think she's, I don't know, some kind of a social 4
- 5 liaison to the Independent Living community.
- Did you speak with her? 6
- 7 Α. I was crying.
- 8 Q. Did she attempt to approach you?
- She just looked at me like, What the hell's wrong 9 A.
- 10 with you?
- Did you ever speak with her afterwards? 11 Q.
- A. 12 No.
- At any time have you ever spoken with her since 13 Q.
- seeing her that moment? 14
- She left a voicemail on my telephone looking for my 15
- father-in-law three weeks after he came to stay with me, 16
- just wondering if he was okay. So he had not even been to 17
- Waverly for three weeks, but she did call to see if he 18
- 19 needed anything in the apartment.
- Q. Did you encounter anyone else when you were walking 20
- to your office? 21
- 22 When I was walking to my office, Brian Brown.
- Where did you see him? 23
- He was standing at the base of the steps to my 24 A.
- office. 25

- So when you came out of the area of Janet's office
- 2 and Tom's office, would you have gone out the door where
- to the left is the Reception desk? 3
- A. Yes. 4
- And then where would you have walked, straight from 5 O.
- 6 there?
- 7 A.
- And down that hallway? 8 Q.
- 9 A. Yes.
- Did you make a left then to then access the stairway 10 Q.
- that goes up to your office? 11
- 12 Α.
- Did you see anybody in that stairway? Q. 13
- Like I said, just Brian Brown. A. 14
- Okay. Did you speak with him at all? Q. 15
- 16 A. Not that I recall.
- Did he speak to you? 17 Q.
- 18 A.
- Okay. Did Marc walk up the stairs with you? 19 Q.
- 20 A.
- Did Brian go up the stairs? 21 Q.
- I think he was just -- he walked up the steps and was 22 Α.
- just lingering in the hallway around the corner from my 23
- office. 24

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Did you encounter any of your HR employees who have 25 Q.

- offices in that same visit?
- No, because they were sent home. 2 Α.
- 3 How long did you then spend in your office?
- Let's see, I went in and I laid on the floor in a 4
- fetal position in tears for at least 15 minutes. And Marc 5
- tried to calm me down and tell me that we had a pack my 6
- office up, and he left me for a minute to go get boxes. 7
- And then, I don't know, an hour, longer than an hour, 8 I don't know, I think I was in my car at like 4:15. I 9
- remember because -- it must have been 4:30 because it was 10
- right when all the employees were leaving. 11
- 12 And had you removed anything -- any of your personal
- affects from your office prior to that time? 13
- 14 Α.
- Did you physically put anything in boxes at that 15 Q.
- 16 time?
- No, I think Marc packed everything. 17 A.
- At a later time, am I correct that he met you at a 18
- Park and Ride and delivered additional items to you? 19
- 20 A. Yes.
- Are there any items that you claim you did not Q. 21
- 22 receive?
- I had years' worth of copybooks, much like my diary 23
- that I keep, where I just kept to-do lists and notes, I
- didn't get any of those back.

- I think that there were personal files that I kept in 1
 - my office; I didn't get those. I didn't really have the 2
 - wherewithal to sit there and go through my file drawer. 3
 - Concerning the issue of Mr. Garvin -- and this on 4
 - Page 9 of the interrogatories that are in front of you -5
 - receiving a payment in lieu of health insurance, did you 6
 - have any involvement in negotiations of his compensation? 7
 - I was really just the liaison between the Chairman of 8 A.
 - the Board, Chuck Soltis, and Mr. Garvin at his hire. 9
- And when they removed the stipend that was provided 10
- 11 to him in lieu of health insurance, am I correct that he
- then went on Waverly's health insurance? 12
- They didn't remove the stipend. 13 A.
- Well, the amount of money, was it still considered a 14
- stipend in lieu of health insurance --15
- 16 A. Yes.
- at a later point? 17 Q.
- It was he still received the stipend in lieu of 18
- health insurance and then continued to enroll his 19
- family full family coverage on our health insurance, 20
- basically taking a double benefit. 21
- So I understand that he's continued to receive money 22
- after enrolling into Waverly's insurance, but was it 23
- still, for accounting purposes, considered in lieu of
- health insurance or was it an increase in salary? 25

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- 1 A. It was in lieu of health insurance.
- 2 Q. And was that recorded in that manner at some --
- 3 someplace after that time?
- 4 A. Ah, I think on all of the communications from
- 5 the from the Board to HR.
- 6 I have an email from Chuck Soltis, saying, um,
- 7 whatever Tom's compensation was at the time, \$25,000
- 8 health insurance stipend, I don't know, \$5000 bonus, plus
- 9 \$5000 bonus later on.
- 10 Um, when Mr. Soltis came off the Board and Mr. Bauer
- 11 became the Chairman of the Board, that's when, I guess,
- 12 they decided to roll that into his salary to make it a
- 13 little bit cleaner, but that was after several years of
- 14 receiving the stipend and the health insurance.
- 15 Q. And how is it that you are contending that that
- 16 constitutes discrimination or a hostile work environment?
- 17 A. I think as a non-for-profit organization, it's a
- 18 gross misappropriation of funds. For every \$100,000
- 19 spent, it constitutes a one percent increase to the
- 20 residents. That's 25 or \$30,000, it's a third of a
- 21 percent to the residents, not to mention the discretionary
- 22 bonuses that were received on top of it.
- 23 Q. And that would also be similar with respect to the
- 24 monies paid to Mr. Heil, you mentioned a cash payment and
- a Disney trip, that also, in your mind, was a gross

- 1 misappropriation of non-profit money?
- 2 A. Absolutely.
- 3 Q. There was a reference in the Amended Complaint to
- 4 Mr. Garvin engaging in illegal activity.
- 5 Did you ever consider anything that he did or anyone
- 6 else within the Waverly management or Board to be illegal?
- 7 A. Illegal or unethical?
- 8 Q. Illegal.
- 9 A. No.
- 10 Q. How about unethical?
- 11 A. Yes
- 12 Q. Would it be the matter that we just discussed with
- 13 respect to how the health insurance was handled?
- 14 A. That's one thing.
- 15 Q. What else?
- 16 A. That having Waverly pay for his moving expenses and
- 17 new draperies six years after he became employed by
- 18 Waverly Heights seems a little excessive to me.
- 19 Q. Anything else?
- 20 A. I did think of one other thing, if you would just
- 21 give me a second.
- 22 I can't think of it; I've lost it.
 - I guess the purchase of his Penn State property after
- 24 he had signed the \$30 million contract to the architect
- 25 firm, where one of the partners he bought a house in Penn

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- 1 State from, I would call that a little unethical.
- 2 Q. And the matters involving the health insurance, the
- 3 moving expense and the curtains, were those all done with
- 4 the knowledge of the Board of Directors?
- 5 A. I have no idea.
- 6 Q. Were you involved at all in any way with any
- 7 negotiations he may have had with members of the Board for
- 8 that compensation?
- 9 A. The compensation about his health insurance, yes, I
- 10 processed it, so I knew about that.
- 11 And then when he decided to enroll his family, I
- 12 asked him if he was going to let the Board know that he
- 13 was doing that. And he said, No, and that the only way
- 14 that they would find out is if I told them.
- 15 Q. Did you tell them?
- 16 A. No.
- 17 Q. Do you know whether they had knowledge of that?
- 18 A. Not to my knowledge.
- 19 Q. Would that surprise you if they had knowledge of
- 20 that?
- 21 A. Yes.
- 22 Q. Would the individual that assisted with Wozniak,
- 23 Mr. Wozniak, would he have had any knowledge of that?
- 24 A. Um, I believe Tom and I had a conversation about the
- 25 double-dipping.

- 1 O. Would he have had information about Mr. Garvin's
 - 2 compensation and benefits?
 - 3 A. He would not know whether or not he was enrolled in
 - 4 health insurance.
 - 5 Q. Okay. How about the payments for the moving expenses
 - 6 or the curtains?
 - 7 A. I don't think he would know about that either. I'm
 - 8 pretty sure people don't pay for that six years after you
 - 9 started employment.
 - 10 Q. But you don't know whether there was any promise to
 - 11 do that by the Board?
 - 12 A. No, I don't.
 - 13 Q. With respect to the Penn State property, what
 - 14 knowledge, if any, do you have of Mr. Garvin disclosing
 - 15 that to the Board?
 - 16 A. I only heard through the grapevine that he told the
 - 17 Board after the fact.
 - 18 Q. Who told you that?
 - 19 A. I heard it from Marc Heil.
 - 20 0. Do you know how much he paid for the property?
 - 21 A. Only based on what's online.
 - 22 O. How much is that?
 - 23 A. I don't recall.
 - 24 Q. Do you have any reason to believe that the amount he
 - 25 paid was not market value?

- 1 A. I have no idea.
- 2 Q. If it were market value, would that change your
- 3 opinion about it being unethical?
- 4 A. No.
- 5 Q. Why?
- 6 A. When you have a relationship with someone and you're
- 7 awarding them a \$30 million contract to do work for you
- 8 and then you go and buy a house, I think that that seems
- 9 to be a conflict of interest.
- 10 Q. Even if it's at market value?
- 11 A. It just seems too convenient.
- 12 Q. Are you aware of any doctrine of corporate governance
- 13 that would support that purchasing something for market
- 14 value under that scenario would be improper?
- 15 MR. SCHWARTZ: Objection.
- 16 BY MS. DEON:
- 17 Q. Do you have any knowledge of that?
- 18 A. I have no idea.
- 19 Q. Okay. On Page 13 of the interrogatories, you
- 20 responded that one of the types of retaliation was that
- 21 you repeatedly advocated on behalf of Constance Dogan,
- 22 D-O-G-A-N.
 - Is that correct?
- 24 A. Yes.

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25 Q. Am I correct though that your request for promoting

- her and giving her raises were, in fact, followed?
- 2 A. Promoting her, yes. Her raises, she came in doing a
- 3 competent job, doing a wonderful job, she should have been
- 4 at market value for her position, and she was at
- 5 90 percent market value.
- 6 Q. And for how many years was that that she was --
- 7 A. It was a couple years. Tom decided to take five or
- 8 six years to bring her to market value over the course of
- 9 time, which I thought was an excessive period of time, and
- 10 she was doing the job without any issues.
- 11 Q. Do you consider that advocacy to be outside of your
- 12 usual duties of the VP of HR?
- 13 A. It's -- advocating for other Directors is part of my
- 14 job, I think, when I see things that are unfair regardless
- 15 of who the employee is, that was part of my job.
- 16 Q. Did you at any point complain to Mr. Garvin or anyone
- 17 else that he was treating her differently because of her
- 18 gender?
- 19 A. No.
- 20 Q. Or on the basis of any Protected Class?
- 21 A. She's the only black manager, the only black
- 22 director, who happens to be Muslim, and she was
- 23 significantly paid less than everyone else.
- 24 And when everyone else received a promotion to Vice
- 25 President, Tom kept her as Director, saying that a

- -

- Housekeeping department and Environmental Services didn't
- 2 warrant a Vice President title.
- Q. And was she the only one that was not given a VP
 title --
- 5 A. The Dining Services Director --
 - MR. SCHWARTZ: The Dining Director.
 - THE WITNESS: was kept at a Director
- 8 level, but that was a FLIK decision. They were
- 9 contracted employees and that was the title that
- 10 they bestowed upon their position in the
- 11 community.
- 12 BY MS. DEON:13 Q. So is it your position that she was the only one that
- 14 Mr. Garvin had any say in that he kept at a Director
- 15 level?
- 16 A. Yes.
- 17 Q. And are you saying that that was as a result of some
- 18 type of discrimination against her?
- 19 A. I just think it's unusual that she was the only black
- 20 manager who didn't get the title and who didn't receive
- 21 the appropriate pay.
- 22 Q. Did you express that to Mr. Garvin, that you felt it
- 23 was discriminatory by him treating her in that manner?
- 24 A. I told him that it was taking too long for her to get
- 25 to market value.

- 1 Q. In order to establish a cause of action for
 - 2 retaliation you have to demonstrate that you engaged in
 - 3 protective activity.
 - 4 Do you know what that means?
 - 5 A. If you could explain what you're talk -- what you're
 - asking me.
 - 7 Q. So if you had expressed to him that the basis for
 - 3 someone not receiving benefits or being treated in an
- 9 adverse manner was because they were within a Protected
- 10 Class —

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- 11 A. Uh-huh.
- 12 Q. and then you advocated and did that, and then you
- 13 were treated differently, that would be retaliation upon
- 14 you?

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- 15 A. Yes.
 - **Q.** Okay. So I'm asking you, what protected activity did
- 17 you engage in with Mr. Garvin?
 - MR. SCHWARTZ: I would object that that calls for a legal conclusion, that's what the
- calls for a legal conclusion, that's whatwhole lawsuit is about, but go ahead.
 - THE WITNESS: Well, with regards to
- 22 Constance Dogan I -- there isn't, but with
 - regards to Meredith Feher, there certainly was.
- 24 BY MS. DEON:
- 25 Q. And by that are you referring to the fact that you

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- 1 advised Mr. Garvin that he was treating her differently
- 2 because she was a woman?
- 3 A. Yes.
- 4 Q. And is it your position that Miss Feher wanted a
- 5 company car as part of her compensation?
- 6 A. Miss Feher contacted me relentlessly about two
- 7 issues: 1) the fact that Bob Supper had a car and she
- 8 didn't; and 2) that she didn't receive a contribution to
- 9 her retirement fund for the prorated basis when she
- 10 started working and Bob did.
- 11 Where she got that information, I have no idea, but
- 12 it was a thorn of contention for her. And when Meredith
- 13 gets a bone, she doesn't let it go.
- 14 Q. Was the contribution to her retirement fund something
- 15 that was promised in her offer letter?
- 16 A. No.
- 17 Q. Were you involved in developing her offer letter?
- 18 A. I worked with Tom on writing the -- he gave me the
- 19 information for her compensation, we just did the letter.
- 20 Q. Do you recall at some point pulling a copy of her
- 21 offer letter and seeing that that was, in fact, something
- 22 that was promised to her?
- 23 A. I think I showed it to her and said she didn't
- 24 negotiate it.

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25 Q. Well, if she didn't negotiate it, then why was she

- 1 expecting it?
- 2 A. I guess because she knew that Bob got it and she
- 3 thought that Bob was being treated very differently than
- 4 her, so she wasn't sure why it wasn't even offered at
- 5 employment by Tom.
- 6 Q. And in that same response to Interrogatory No. 17.,
- 7 there is a reference to you complaining about pay and
- 8 equities and comp ratios of long-term directors and
- 9 newly-hired directors, managers and staff.
 - I believe you responded to that previously, that it
- 11 was your belief that those individuals were being paid
- 12 improperly, but could I ask you, was it on the basis of
- 13 gender?

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- 14 A. When Bob Supper was hired, his comp ratio coming in
- 15 was significantly higher than the market value. When
- 16 Meredith was hired, she came in at the market value.
- 17 So, yes, I would say that that's gender-based.
- 18 Q. And you'd agree that Mr. Supper has a CPA and 30-plus
- 19 years of experience?
- 20 A. Yes, and Meredith has 25 years and her NHA, and is
- 21 quite skilled in her position.
- 22 Q. Did you claim that you were sexually-harassed by
- 23 Mr. Hendrickson, H-E-N-D-R-I-C-K-S-O-N?
- 24 A. Yes.

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- 25 Q. In what respect?
- A. Mr. Hendrickson was a consultant -- a personal
- 2 financial consultant, and every time I saw him, he had
- 3 some kind of sexual comment to make about my clothing,
- 4 about the way that I looked, if I was physically fit, my
- 5 sweater; very uncomfortable conversations for me. Those
- 6 were -- those comments were made in front of Mr. Garvin
- 7 and Mr. Supper.
- **8 Q.** When did they when did he first start making such
- 9 statements?
- 10 A. As long as I've known him.
- 11 Q. How long is that?
- 12 A. I don't know. I don't know how many years. He
- 13 didn't do it when I was with -- when Bill Maguire was
- 14 President, he didn't act like that.
- 15 Q. Was he a gentleman that you would say didn't have
- 16 good hygiene?
- 17 A. No.

- MR. SCHWARTZ: And I think she --
- objection, I don't think she testified he was a
- 20 gentleman.
- 21 BY MS. DEON:
- 22 Q. Did you answer my question?
- 23 A. I said, no.
- 24 Q. Okay. So he didn't have poor hygiene?
- 25 A. (Witness nodding negatively.)

- Q. Were there there weren't any jokes that were ever
- 2 made about the fact that he was a bit objectionable with
- 3 respect to his appearance or hygiene?
- 4 A. That's not Mike Hendrickson.
- 5 Q. Who are you speaking of?
- 6 A. I'm talking about Mike Hendrickson.
- 7 Q. Do you know of someone else I might be referencing?
- 8 A. I think you're talking about, um I don't remember
- 9 the guy's name from Mutual of America.
- 10 Q. And what was his name; do you recall?
- 11 A. I don't remember his name.
- 12 Q. Did you ever contend that you were being sexually
- 13 harassed by that gentleman from Mutual America?
- 14 A. No.
- 15 Q. So other than Mr. Hendrickson, were you ever sexually
- 16 harassed as you've just described?
- 17 A. Anne Rogers is the only other person.
- 18 Q. Okay. And was Mr. Hendrickson an employee or a
- 19 consultant?
- 20 A. He had nothing to do with Waverly. He was a personal
- 21 financial advisor who was trying to get Tom to invest his
- 22 money through him to be his broker, there was no reason
- 23 for me to be in those meetings.
- 24 Q. Was there any conversation about anything unrelated
- 25 to Mr. Garvin's personal finances?

- Well, I think Mike Hendrickson wanted to try and get 1
- in an offer, ah, some kind of benefits to Waverly 2
- employees that would be, you know, purchased privately 3
- through them for them. 4
- So it wasn't just for Mr. Garvin's personal benefit? 5
- We had already -- we had already made the 6
- discussion -- had the discussion and made the decision not 7
- to have voluntary benefits. So it was a meeting really 8
- that was just to kind of placate him, so Tom could have 9
- 10 certainly done that on his own.
- How many times did you meet? 11
- 12 A. Several.
- Q. More than five? 13
- 14 A. No.
- Four? 15 Q.
- 16 A. Maybe four.
- How long were the meetings? 17 Q.
- At least an hour. 18 A.
- Did he touch you at all? 19 Q.
- He always wanted to give me a hug. 20 A.
- Did you allow him to give you a hug? 21
- A. 22 No.
- Did he attempt to touch you in any other way? 23 Q.
- A. No. 24
- Did he contact you ever outside of those meetings? 25 Q.

- A.
- Did he send you emails? Q. 2
- 3 A.
- Okay. Who is Susan Posoff, P-O-S-O-F-F? 4 Q.
- She's the Payroll Specialist, she reports to Bob 5 A.
- 6 Supper.
- And according to your response to the 7
- interrogatories, she was an individual that complained 8
- 9 about Mr. Supper treating women in a demeaning manner?
- Yes, her in particular. 10
- Is she still with the organization? 11 0.
- 12 A. I don't know.
- When is the last time you had contact with her? 13 Q.
- Right after my termination, she emailed me to find 14
- out if I wanted my 401(a) contribution deducted from my 15
- last paycheck. 16
- 17 And are those emails that were produced in the
- discovery? 18
- 19 Α. I don't think so.
- 20 Q. Do you have access to a copy of those emails?
- 21 Α. Um --

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- 22 MR. SCHWARTZ: I believe the testimony said 23
 - she was called after, that you were called after
- you were fired about --24
 - THE WITNESS: No. Susan emailed me and I

- think I do have copy of that, I'm not sure.
- MR. SCHWARTZ: Okay. We'll look for that.
- BY MR. SCHWARTZ: 3
- Q. With respect to Mike Hendrickson, did you ever tell 4
- Mr. Hendrickson that you found his comments to you to be 5
- objectionable? 6
- 7 A. No.

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- Did you tell Mr. Garvin that you felt Mr. 8
- Hendrickson's comments to you were sexually-harassing? 9
- 10 A. Yes.
- Q. What was his response? 11
- He just laughed. 12
- And then the next time, I asked him not to have to 13
- attend any more meetings. And when he called to tell me 14
- that there was another meeting scheduled, his reference 15
- was, Oh, your good buddy's coming. 16
- Q. There is a reference to Miss Thompson saying that 17
- Mr. Garvin required her to sign his name at a continuing 18
- education course? 19
- 20 A. I'm not sure.
- Or do I have that wrong? 21 Q.
- I don't know that that belongs there. A. 22
- Are you aware of Mr. Garvin suggesting to you or 23 Q.
- anyone else that they sign his name and attend a
- continuing education course in his place?

- Silverchair Learning is a requirement of every
 - employee of Waverly Heights. Mr. Garvin never does those 2
 - training, and he would often tell me, Why don't you take
 - 4 a -- why don't you take the training for me? Take my
 - classes for me? 5
 - But he didn't tell you to sign in as him? 6 Q.
 - 7 Yeah, I would have to login under his name. A.
 - Well, you thought he was serious? 8 Q.
 - 9 A. He was serious.
 - And when someone is able -- how are you able to login 10
 - on behalf of other people's names? 11
 - Well, we're the Human Resources department, we have 12
 - 13 everybody's login information and their password. It was
 - their first three letters of their last name and the last 14
 - four numbers on their ID badge. 15
 - 16 Q. Did you do that?
 - 17 A.
 - So it's your testimony that he never completed those 18 Q.
 - courses? 19
 - 20 A. He very seldom -- he should have taken 14 classes a
- year from the time that he started, and I'd say he maybe 21
- took one year's worth. 22
- Were you required to monitor that to ensure that the 23 Q.
- individuals needed to take those courses did so? 24
- It was my job, yes, and I brought it to everybody's 25

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1	attention on the Senior Leadership Team that didn't do it,	1	a number occasions; is that correct?
2	and Tom was well aware of the people that didn't do it.	2	A. I had took it every year.
3	Q. In what form did you bring to their attention if they	3	Q. What was covered in that?
4	were deficient in credits or hours?	4	A. Cultural diversity.
5	A. They were emailed from my assistant. Tom was emailed	5	Q. Can you expand on that?
6	of the Directors that hadn't taken their courses.	6	A. Respecting people of color, respecting races,
7	Q. Do you remember who else that might have been?	7	respecting religion, respecting other cultures.
8	A. Who didn't take their courses?	8	Q. Did the format change from year to year or was it
9	Q. Yes.	9	similar?
10	A. Marc Heil. Marc Heil never attended annual training.	10	A. It was pretty similar.
11	Marc Heil never did his Silverchair training.	11	MS. DEON: I think this is a good spot for
	Q. Anyone else?	12	me to break.
12	A. They're the only two that stand I'm pretty sure	13	
13	Janet Thompson probably didn't do her training. I'm not	14	(Deposition was continued at 5:55 p.m.)
14	really sure, they didn't take it very seriously.	15	(Deposition was continued at older print)
15		16	
16		17	
17	individuals that have not taken that training?	18	
18	A. That's a requirement of a position at Waverly Heights		
19	that you do your Silverchair training, it's one subject a	19	
20	month. If it could be cultural diversity, sexual	20	
21	harassment, bloodborne pathogens, there's all kinds of	21	
22	workplace violence.	22	
23	There's a different topic every month. It was	23	
24	mandatory for everyone from Tom down to do the training.	24	
25	Q. Cultural diversity, that was a topic that you took on	25	
	17	1	
		ľ	ERRATA SHEET
			PAGE: LINE: CORRECTION:
	CERTIFICATE		
	I hereby certify that the proceedings		
	and testimony taken by and before me are		
	contained fully and accurately in the notes		
	of testimony, and that the foregoing is a	1	
	true and correct transcript of the same.		
	2)01121		
	_// Kutul		
	MICHELLE A. KATULKA		
	MICHELLE A. KATULKA REGISTERED PROFESSIONAL REPORTER NOTARY PUBLIC		
	COMMONWEALTH OF PENNSYLVANIA		::
	Michelie A. Katulka, Notary Public Michelie A. Katulka, Notary Public Newtown Twp., Bucks County Newtown Twp., Bucks County		
	Newtown Twp., June 12, 2020)
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ACKNOWLEDGMENT OF KATHLEEN JUNGCLAUS	
I, KATHLEEN M. JUNGCLAUS, certify that I	
have read the foregoing transcript of my testimony given	
on November 1, 2018, and find it to be a true, correct and	
complete transcript of the answers given by me to the	
questions therein propounded, except for corrections or	
changes in form or substance, if any, noted in the	
attached Errata Sheet.	
attached Litata Sheet.	
3 	
KATHLEEN JUNGCLAUS	
DATED:	
Option to the second se	
Subscribed and sworn to before me this day of	
My Commission Expires:	×
NOTARY PUBLIC	
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Mo, base substitut

1-240 gess were

Uss accounts where

NA. Met 36,000, base revenue Jh Mabe 215-783-3408



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Appendix 690

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN M. JUNGCLAUS

Plaintiff

vs.

No. 17-CV-04462-RK

WAVERLY HEIGHTS, LTD., THOMAS P. GARVIN and JOHN and JANE DOES NUMBERS 1-21 Defendant

VOLUME II

Deposition of **KATHLEEN M. JUNGCLAUS**, taken by and before Michelle C. MacArthur, Certified Court Reporter-Notary Public, at the law offices of Eastburn and Gray, P.C., 60 East Court Street, Doylestown, Pennsylvania, on Friday, **November 2, 2018**, commencing at 10:00 a.m., prevailing time.



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Page 1	Page	3
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA NO. 17-cv-04462-RK	1 I N D E X 2 WITNESS PAGE KATHLEEN M. JUNGCLAUS	
VOLUME II KATHLEEN M. JUNGCLAUS, : DEPOSITION UPON	3 4	
: Plaintiff; ORAL EXAMINATION	5 6 By: Ms. Deon 4, 90	•
-vs - : OF	By: Mr. Schwartz 87	
: WAVERLY HEIGHTS, LTD., : KATHLEEN M. JUNGCLAUS THOMAS P. GARVIN and :	7 8 9	
JOHN and JANE DOES :	10 EXHIBITS	
NUMBERS 1-21, :	12 PAGE	
Defendants.:	NUMBER DESCRIPTION MARK 13 KJ-3 Plaintiff's Responses 92 to Request for Production	ED
TRANSCRIPT OF DEPOSITION, taken by and before MICHELLE C. MacARTHUR, Certified Court	14 of Documents	
Reporter-Notary Public, at the Law Offices of	KJ-4 Multipage document 38 15 KJ-5 Employee Awareness 44	
EASTBURN & GRAY, P.C., 60 East Court Street, P.O.	16	
Box 1389, Doylestown, Pennsylvania, 18901, on Friday, November 2, 2018, commencing at 10:00 a.m.	17	
111111, 110 111101 2, 2010, 001111111111	18 19	
	20	
222	21	
	22	
	23	
	24	
Page 2	Page	4
1 APPEARANCES	1 (By agreement of counsel, the	
2 3	2 sealing, filing and certification of the	
LAW OFFICE OF MARK D. SCHWARTZ	3 transcript has been waived; and all	
4 BY: MARK D. SCHWARTZ, ESQUIRE	4 objections, except as to the form of the	
P.O. Box 330 Bryn Mawr, Pennsylvania 19010	5 question, have been reserved until the time	
Attorneys for the Plaintiff	6 of trial.)	
6	7	
7 8	8 KATHLEEN M. JUNGCLAUS, after	•
EASTBURN & GRAY, P.C.	9 having been duly sworn, was examined and	
9 BY: GRACE M. DEON, ESQUIRE and JOANNE D. SOMMER, ESQUIRE	10 testified as follows:	
10 60 East Court Street	11	
P.O. Box 1389	12 BY MS. DEON:	
11 Doylestown, Pennsylvania 18901 Attorneys for the Defendants	13 Q. Good morning, Ms. Jungclaus.	
12	14 A. Good morning.	
13	Q. With respect to the response to	
15	16 Interrogatories, I was asking you some questions to	
ALSO PRESENT	other day, they were marked yesterday as KJ-2, an	
16 17	18 I'd like to just ask you about Marge Carpenter, and	
Richard Bauer	she complained about Mr. Garvin's treatment of st	tatt
18 19	and his ego.	
20	21 A. Uh-huh.	
21	MR. SCHWARTZ: What page are we	е
22 23	23 on?	
	24 MS. DEON: It's on the last page,	
24		

	Page 5		Page 7
1	page 16.	1	phone calls that he had with her; he would call her
2	BY MS. DEON:	2	names, and he was demeaning to her, and in the in
3	Q. Can you elaborate on what she complained	3	the business setting, he was just overbearing.
4	about?	4	Q. So more mannerism and tone in the business
5	A. Well, she complained mostly I heard this	5	setting?
6	through Janet Thompson, who was her supervisor, she	6	A. Yes.
7	was upset about Tom's participation in the employee	7	Q. And with respect to what Amy heard him
8	contests. She was upset about his using the the	8	saying to his wife on the phone; what, specifically,
9	fitness center that was reserved for the residents	9	did she hear? What types of language did he use to
10	and the message that that sent. She felt like he	10	his wife?
11	had he had a different approach to employees than	11	A. Just cursing at her.
12	our former president had, Bill Maguire. So Bill was	12	Q. Okay. I'm just going to take a look at the
13	very open with employees, he would stop and talk to	13	Response to the Request for Production of Documents.
14	them; he had relationships with them, and she felt	14	MS. DEON: And I do not have
15	like Mr. Garvin had almost like a superiority to the	15	another copy of this at the moment, but I
16	employees.	16	will get a clean copy for us to mark as
17	Q. How about with respect to Pattie Rodgers,	17	Exhibit
18	you stated that she complained about Bob Supper's	18	MR. SCHWARTZ: That's all right.
19	treatment of her and other women during a meeting	19	MS. DEON: KJ-3.
20	about Waverly Care in 2015; is that a specific	20	Off the record.
21	event?	21	(At this time, a discussion was
22	A. They were meeting I think it was about	22	held off the record.)
23	her budget, and I'm not I don't really remember	23	MS. DEON: KJ-3 is going to be
24	the content of the meeting, I wasn't present, but	24	marked as the documentation that was
	Page 6	1	Page 8
	Page 6		Page 8
1	Bob was screaming at her in the meeting and she was	1	attached to Plaintiff's Response to
2	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry,	2	attached to Plaintiff's Response to Defendant's Request for Production of
2	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears.	2 3	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through
2 3 4	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be	2 3 4	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page
2 3 4 5	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he	2 3 4 5	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages.
2 3 4 5 6	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or	2 3 4 5 6	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON:
2 3 4 5 6 7	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines?	2 3 4 5 6 7	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the
2 3 4 5 6 7 8	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines? A. To be demeaning you don't have to call	2 3 4 5 6 7 8	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the resume that was attached to the document response?
2 3 4 5 6 7 8	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines? A. To be demeaning you don't have to call someone a name, you can just be overbearing.	2 3 4 5 6 7 8 9	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the resume that was attached to the document response? A. Yes.
2 3 4 5 6 7 8 9	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines? A. To be demeaning you don't have to call someone a name, you can just be overbearing. Q. So it wasn't necessarily the language he	2 3 4 5 6 7 8 9	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the resume that was attached to the document response? A. Yes. Q. Is that your most current resume?
2 3 4 5 6 7 8 9 10	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines? A. To be demeaning you don't have to call someone a name, you can just be overbearing. Q. So it wasn't necessarily the language he used, it was his mannerisms and tone?	2 3 4 5 6 7 8 9 10	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the resume that was attached to the document response? A. Yes. Q. Is that your most current resume? A. I'd have to see it to know.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Bob was screaming at her in the meeting and she was absolutely humiliated. I've never seen Pattie cry, but Pattie was in tears. Q. Was he using any language that would be offensive to a woman? And by that I mean was he calling her names that were gender-based; bitch or anything along those lines? A. To be demeaning you don't have to call someone a name, you can just be overbearing. Q. So it wasn't necessarily the language he used, it was his mannerisms and tone? A. Yes. Q. Okay. And would that be the case I know we spoke you testified yesterday about a number of other instances where Mr. Supper, you allege, treated women in a demeaning manner. Do you recall that? A. Yes. Q. And I'll ask you the same question; was it more a tone and mannerism as opposed to verbiage that would have been gender specific? A. He was demoralizing and humiliating to his	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	attached to Plaintiff's Response to Defendant's Request for Production of Documents, and it is marked as P-1 through P-60, which is noting the different page numbers of each of the pages. BY MS. DEON: Q. Mrs. Jungclaus, you're familiar with the resume that was attached to the document response? A. Yes. Q. Is that your most current resume? A. I'd have to see it to know. Q. (Indicating). A. No. Q. When was that resume that I just identified as P-1 and P-2? A. That was when I was actively working for Waverly. Q. How about the resume that is attached at P-3 and P-4 (indicating)? A. That is my current resume.
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	Page 9		Page 11
	_	1	
1	for?	1	Q. At some point when you had submitted a
2	A. Yes.	2	resume for that, would there have been a screen shot
3	Q. Is that what you were referencing yesterday	3	that would have showed it as Mark As Applied?
4	during your testimony?	4	A. I think it depends on the position that's
5	A. Yes.	5	posted. A lot of the positions don't give you a
6	Q. Do you know when this was printed off from	6	response like that, so if I went to a different
7	the CareerLink?	7	website it may not necessarily be reflected back on
8	A. The date should be at the bottom or the	8	this on their website that I as applied.
9	top. I think it was the 28th. Whatever day I had	9	Q. So are these
10	to produce the documents.	10	A. I think it depends on the company.
11	Q. Okay.	11	Q. Are these two pages a full listing of
12	MR. SCHWARTZ: Well, it would	12	everything that you applied for through CareerLink?
13	have been a couple days before.	13	A. Yes.
14	BY MS. DEON:	14	Q. I believe I asked you this yesterday, but
15	Q. I see Current Date of 10/30/2018, would	15	just to clarify; is there any document or
16	that be correct?	16	recordation anywhere that would show a log of all
17	A. That's correct.	17	positions that you applied for or any inquiries that
18	Q. And am I correct that on each of these	18	you made concerning a position from September 2016
19	where it says Activity Type and Activity Detail,	19	through the present?
20	there's also a column that says Actions, all the way	20	MR. SCHWARTZ: I think I'd
21	to the far right?	21	object that's been asked and answered,
22	A. Yes.	22	but go ahead. THE WITNESS: I went on the
23	Q. So for the ones that are Mark As Applied,	23	Indeed website and I went on the
24	those would be ones that you actually submitted a	24	indeed website and I went on the
	Page 10	†	D 10
		1	Page 12
1		1	Page 12
1	resume and applied for?	1 2	ZipRecruiter website to see if I could go
2	resume and applied for? A. Yes.	2	ZipRecruiter website to see if I could go back to get a history of the things that I
2	resume and applied for? A. Yes. Q. And then for the ones that there is not	2 3	ZipRecruiter website to see if I could go back to get a history of the things that I had applied for and they don't keep a
2 3 4	resume and applied for? A. Yes. Q. And then for the ones that there is not anything contained in that far right-hand corner,	2 3 4	ZipRecruiter website to see if I could go back to get a history of the things that I had applied for and they don't keep a record. I thought that when you created an
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2 3 4 5 6	resume and applied for? A. Yes. Q. And then for the ones that there is not anything contained in that far right-hand corner, shall I assume that you did not apply for those jobs?	2 3 4 5 6	ZipRecruiter website to see if I could go back to get a history of the things that I had applied for and they don't keep a record. I thought that when you created an account on that you would be able to go back to see what positions you applied for,
2 3 4 5 6 7	resume and applied for? A. Yes. Q. And then for the ones that there is not anything contained in that far right-hand corner, shall I assume that you did not apply for those jobs? A. No. These were positions that I applied	2 3 4 5 6 7	ZipRecruiter website to see if I could go back to get a history of the things that I had applied for and they don't keep a record. I thought that when you created an account on that you would be able to go back to see what positions you applied for, but that's not the case.
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	Page 13		Page 15
1	were the one who obtained copies?	1 Q. Does it reference any work-rela	-
2	A. You can do that today, but I obtained them	2 activities in these posts of Waverly?	
3	right before discovery.	3 A. No.	
4	Q. Do you mean right before	4 Q. Does it reference her conducting	g any kind
5	A. When discovery was requested.	of informal survey of employees?	
6	Q. Okay. Are you Facebook friends with Ms.	6 A. No.	
7	Thompson?	7 Q. So I'm going to ask you to look	at these.
8	A. No.	8 and if you could just tell me what spec	
9	Q. So it's a public site that you were able	9 believe is inappropriate other than what	
10	she doesn't have privacy settings on it	already testified to about the posts. Ye	
11	A. Correct.	you as I understand it that you we	
12	Q so you were able to go on it? Just make	that she was disrespecting the office of	
13	sure you let me finish my question before you	13 presidency?	
14	respond.	14 A. That's correct.	
15	A. (Witness nods head.)	15 Q. Okay. Can you, just looking th	rough those,
16	Q. Were you able to ascertain if this Facebook	tell me if there's anything else?	,
17	site was in any way linked to a Waverly Facebook	17 A. 11/6, take our country back. I f	find the
18	page or Twitter page?	18 reference between Hillary Clinton and	
19	A. Janet is a follower of Waverly Heights.	19 Kavanaugh offensive.	
20	Q. Were you offended by the content of the	20 Q. Why?	
21	Facebook posts?	21 A. That she was cool as a cucumber	er for 11
22	A. Yes.	22 straight hours on the questioning of Be	
23	Q. In what respect?	was shouting and crying for the first 20	
24	A. I find it degrading and demoralizing to our	Q. What page, for the record, is the	
	Page 14		Page 16
1	Page 14 President.	1 A. Page 11.	Page 16
1 2	President. Q. And is your basis for that due to fact that	2 Q. And P-10 was the first site that	: you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	President. Q. And is your basis for that due to fact that you supported President Trump in his election? A. No. I believe, just like I found offense to the e-mails that were circulated by Chuck Soltis that were offensive to Barack Obama and to Hillary Clinton, I found these equally as offensive. As the Vice President of Marketing & Sales I find it appalling that she would post those things when she is easily searchable. Q. How is she easily searchable? A. Well, all you have to do is Google her name and her Facebook page comes up; it's not marked as private, so any potential resident could open her Facebook page, and if they happen to be a registered Republican they might be incredibly offended. Q. Did she, at anytime in the context of these posts, represent herself as the post being representative of Waverly's opinion? A. No. Q. Did she reference her position at Waverly?	Q. And P-10 was the first site that referenced in your testimony just now A. Correct. I find it offensive that implication that the President doesn't j extremely offensive. Q. That's P-12? A. Yes. Q. How about P-13? A. I find offensive the comment you Republicans are bastards. That is my want it back. If someone made a com on my Facebook page I'd be sure to de Q. That was P-13. A. I can't read the comments on th (indicating). MR. SCHWARTZ: Take BY MS. DEON: Q. I'm sorry, P-14, what was your that? A. I can't read what the posting is	you y the pay taxes ou fucking money and I ment like that elete it. ese your time. response to

	Page 17		Page 19
1	apology from the right to the left.	1	responsible for the content of her page.
2	Q. And you find that offensive?	2	Q. At KJ-3 pages 20 through 25 appear to be
3	A. Yeah. The clear bias is offensive.	3	Facebook posts or instant messaging between you and
4	Q. Bias in terms of being anti-conservative?	4	Kevin Billig; is that correct?
5	A. Yes. It's one thing to have a disagreement	5	A. Yes.
6	politically, it's another to post offensive things	6	Q. Are they instant messages on Facebook?
7	that are in the public domain.	7	A. Yes. He I was not a friend with him
8	Q. Do you consider these to be offensive to	8	MR. SCHWARTZ: Wait. There's not
9	everyone in the public domain?	9	a question.
10	A. I think they're offensive to a lot of	10	THE WITNESS: Oh, I'm sorry.
11	people.	11	Yes.
12	Q. Would they only be offensive to people that	12	BY MS. DEON:
13	have a different view?	13	Q. And who is Kevin Billig?
14	A. I don't think so. I think it's offensive	14	A. He is a maintenance employee at Waverly
15	that she's calling the Speaker of the House a liar.	15	Heights.
16	Q. That's P-16?	16	Q. Were you friends with him outside of work?
17	A. Yes. I think it's incredibly offensive	17	A. No.
18	that she's saying that only liberals supported these	18	Q. Did you have interaction with him at work?
19	benefits including ending child labor, the Federal	19	A. Just as an employee.
20	minimum wage, overtime pay, the weekend, women's	20	Q. How is it that he came to contact you? Did
21	right to vote, unemployment insurance. It's	21	he initiate the contact?
22	ludicrous. The Civil Rights Act. It is ludicrous	22	A. Yes.
23	to post something that states has been initiated by	23	Q. And when did that occur?
24	liberals and opposed by conservatives. All of those	24	A. This happened do you mind if I reference
	Page 18		Page 20
1	rights that pertain to humanity; very offensive.	1	my telephone?
2	I think this is a duplicate (indicating).	2	Q. Oh, whatever you need to reference.
3	Q. And that was P-17 that you just testified	3	A. The date is not on here. Oh, I'm sorry,
4	about it being offensive?	4	September 27th.
5	A. Yes,	5	Q. Of 2016?
6	I think this is a duplicate of one of the	6	A. No. September 27th of 2018.
7	other ones (indicating).	7	Q. Is that the first time you received contact
В	Q. P-18 is a duplicate, and P-19 does not have	8	from him?
9	any content, correct?	9	A. Yes.
10	A. Correct.	10	Q. And why is it that he contacted you at that
11	Q. Well, when I say content, it doesn't have a	11 12	time? A. He sent me this message, how did everything
12	posting.	1	work out with Waverly? I saw some of it on the
13	A. I would like to say that that's only a	13 14	·
14	select few of the postings that are on her Facebook	15	news. Q. Do you have text messages from him?
15	page.	16	A. These are the messages that I have from
16	Q. And you'd agree with me that there was	17	him.
17	nothing racially charged about any of the statements	18	Q. What's on your phone that you were going to
18	or pictures that were contained on these pictures	19	look at?
19	that you saw?	20	A. Through my Facebook messenger I was just
20	A. No.	21	going to look at the date of where I printed this
21	Q. The statement about you fucking Republicans	22	off from.
22	are bastards on P-13, you'd agree with me that that	23	Q. Does he have your personal cell phone?
		24	A. No. Well, actually, let me correct that.
23	was not a post that Ms. Thompso, but it was on her page; she was	24	11. 140. Well, dettidily, let me contest than

	Page 21		Page 23
1	I gave him my cell phone through this conversation.	1	comma, computations, comma, calculations or other
2	Q. Did you speak with him by telephone?	2	similar information in your possession or in the
3	A. No.	3	possession of your agents, comma, representatives or
4	Q. Have you had any other contact with him	4	attorney, comma, which relate to, comma, depict,
5	other than what's depicted in those documents?	5	comma, or memorialize any facts, comma,
6	A. The only other contact I have is the next	6	circumstances or events related to Plaintiff's
7	document that you have where he was sending me	7	Amended Complaint, and this was produced in
8	disappearing messages.	8	response.
9	Q. This was produced in discovery in Response	9	My question is, how does P-20 through P-25
10	to Request for Production that we submitted to you.	10	relate to any of the facts, circumstances or events
11	What is the purpose in providing that from an	11	contained in your Amended Complaint, if you know?
12	evidence standpoint?	12	MR. SCHWARTZ: Again, that
13	MR. SCHWARTZ: Well, that calls	13	calls
14	for a legal conclusion, but I can answer	14	MS. DEON: I asked if she knows.
15	that. Basically, we wanted you to have	15	MR. SCHWARTZ: Objection. Calls
16	everything that we had that pertains to	16	for a legal conclusion, but go ahead, you
17	this case, and I just felt that it was	17	can answer it.
18	incumbent upon us to produce it.	18	THE WITNESS: Again, the fact
19	BY MS. DEON:	19	that he knows who wrote the anonymous
20	Q. Are you producing it just for purposes of	20	letter I think is important and that he's
21	communication that you've had with Waverly employees	21	extorting money for it.
22	since your departure?	22	BY MS. DEON:
23	MR. SCHWARTZ: Objection again.	23	Q. I had a hard time reading these, so why
24	It's not you asked for documents, you	24	don't you show me where that is (indicating)?
	,,,		
	Page 22		Page 24
1	got documents. I want you to have	1	A. What if I had some info I thought could be
2	everything we have.	2	useful to you? Worth anything to you? Without my
3	MS. DEON: Well, I have a right	3	name ever being involved or mentioned.
4	to know how you intend to utilize it and	4	Q. Let me see that. What page is that?
5	what this does in terms of supporting the	5	A. Page 22. Would you like me to circle it?
6	claims that are being asserted or in order	6	Q. No. I see it. Thank you. And your
7	to oppose defenses that are being asserted,	7	response to that was of course, I would never use
8	so I'm asking	8	your name?
9	MR. SCHWARTZ: Well, we haven't	9	A. Correct.
10	made up our mind yet. I'll let you know as	10	Q. What kind of info you stated, correct?
11	soon as I think of it.	11	A. Yes.
12	BY MS. DEON:	12	Q. So you're calling it extortion now, but you
13	Q. So, Mrs. Jungclaus, you have no idea why	13	were inquiring as to what he could give you,
14	this was produced in discovery?	14	correct?
	A TALL I MADE I AND A MADE AND A SECOND AND A SECOND ASSESSMENT OF A SECOND ASSESSMENT A	15	MR. SCHWARTZ: Objection. I
15	A. I think it's interesting to note that in	1	
	2018 there's still discussion at Waverly Heights	16	think that misrepresents the testimony.
15	2018 there's still discussion at Waverly Heights about my case, and that there's speculation over who	17	think that misrepresents the testimony. THE WITNESS: I had no intention
15 16	2018 there's still discussion at Waverly Heights about my case, and that there's speculation over who wrote the anonymous letter amongst the employees of	17 18	think that misrepresents the testimony. THE WITNESS: I had no intention of paying him any money; you'll see further
15 16 17	2018 there's still discussion at Waverly Heights about my case, and that there's speculation over who wrote the anonymous letter amongst the employees of Waverly Heights and why I was really terminated.	17 18 19	think that misrepresents the testimony. THE WITNESS: I had no intention of paying him any money; you'll see further on in the conversation that I just wanted
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15 16 17 18 19 20 21	2018 there's still discussion at Waverly Heights about my case, and that there's speculation over who wrote the anonymous letter amongst the employees of Waverly Heights and why I was really terminated. Q. In Response to Request for Production No. 17; all photographs, comma, video reproductions, comma, video recordings, comma, audio recordings,	17 18 19 20 21 22	think that misrepresents the testimony. THE WITNESS: I had no intention of paying him any money; you'll see further on in the conversation that I just wanted the information. BY MS. DEON: Q. On P-23 can you read through the
15 16 17 18 19 20 21	2018 there's still discussion at Waverly Heights about my case, and that there's speculation over who wrote the anonymous letter amongst the employees of Waverly Heights and why I was really terminated. Q. In Response to Request for Production No. 17; all photographs, comma, video reproductions,	17 18 19 20 21	think that misrepresents the testimony. THE WITNESS: I had no intention of paying him any money; you'll see further on in the conversation that I just wanted the information. BY MS. DEON:

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- actually wrote a letter to begin with. I said well,
- 2 I think it was Anita Summers. Is it someone else?
- 3 He wrote back no, not her. I said really? How do
- 4 you know who wrote it? And he said I'm not sure if
- 5 it would matter this far along with everything you
- 6 have going on. And I said it matters. And he said
- 7 maybe we can talk later about it. Have to get back
- 8 to job. And I said was it a resident or employee?
- 9 He said rather not say. And I said come on, I will
- not tell anyone you told me. I can't read the rest
- of it. And he said can't chat right now, sorry.
- 12 Q. And on the next page, what is the number on
- 13 the bottom of the page?
- 14 A. Page 24.

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- 15 Q. Can you read that conversation?
- 16 A. He said we can when I finish up later
- 17 today. And I said okay. Call my cell phone if you
- would rather talk directly. It's very helpful
- 19 information. Thank you. I gave him my phone number
- and I will never say who gave the information to me.
- I mean how much is it worth to you? I could lose my
- job potentially over it, so that's why I'm partial
- about getting involved. And I said you can't lose
- your job; if it ever did come out you are legally

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Page 28

- 1 O. And in the context of a lawsuit, you were
- of the belief that you'd be able to turn over
- 3 information about this without using his name?
- A. I wasn't sure.
- 5 Q. But you made sure to tell him about his
- 6 protections for anti-retaliation, correct?
- 7 A. Correct.
- 8 Q. When he made the statement how much is it
- 9 worth to you, did you take that to mean that he was
- 10 asking for money?
- 11 A. Yes.
- 12 Q. Even though he was saying I don't want to
- lose my job, you thought that he was still making a
- monetary -- or trying to make a monetary exchange?
- 15 A. Yes

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- O. Pages 26 through 31 of KJ-3, can you
- identify what those are for the record?
- 18 A. These are more messages from Kevin Billig,
- but they are -- I've never seen this before, these
- 20 are disappearing messages.
 - Q. Have you since inquired what is meant by a
- 22 disappearing message?
- 23 A. Well, I didn't have to inquire, I
- 24 experienced it.

Page 26

- protected. You can't be terminated for participating in an investigation. You would have your own lawsuit.
- your own lawsuit. On page P-25 he says, I don't really want
- to get involved, Kathy. I apologize. I still work
 here. And I said if you gave me the name and how
- you know I will leave you out of it. It's really important and I will have to tell my attorney that
- 9 you know something. I totally get it. I don't want
- to cause you any harm. And he said I would
- appreciate it if you didn't tell your attorney
- anything about me, I just heard it wasn't a
- resident. Then the conversation continues and he
- ends with sucks about everything, at least you were
- able to win unemployment.
 - Q. So when you were saying that you would
- leave him out of it that wasn't accurate, was it?

 MR. SCHWARTZ: Objection. Calls
- 19 for a legal conclusion.
- THE WITNESS: What I meant was if
 he gave me the information I would try not
- 22 to use his name and put his job in
- 23 jeopardy.
- 24 BY MS. DEON:

- Q. So what did you experience? Can you
- 2 describe it?
- 3 A. He sends a message and you have seconds to
 - read it before it disappears.
- 5 Q. Did you see any of the messages that
 - disappeared before they disappeared?
- 7 A. I took pictures of them on my cell phone.
- 8 Q. Okay. Are they contained in the documents
- 9 that were produced?
- 10 A. Yes, and you can see next to them how many
 - seconds you have left; so this has three seconds
- 12 left (indicating).
- And then on P-29 he sent a second
- disappearing message which asks me; you didn't see
- what I sent you and a question mark and I had four
- seconds to read that. I had no idea what he was
- talking about. He sent me a third disappearing
- message, which is on P-30, and on P-31 I responded
- no, and his response was I'm sure for the right
- 20 compensation you could find out everything, and I
- 21 had eight seconds for that.
- Q. So in each of the items that you just read
 - on P-26 through P-31 that you referenced, am I
 - correct that the only content you actually were able

23

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Page 31 Page 29 like the defense to produce him for a to preserve is on P-29 when he says you didn't see 1 1 2 what I sent, and the other ones just came back as an deposition. 2 MS. SOMMER: You can file a 3 encrypted without any content or is there content in 3 4 notice. here that I'm missing? Do you understand my 4 MS. DEON: Yeah. I mean... 5 5 question? MR. SCHWARTZ: All right. Well, I do, but when he sent -- he went from 6 6 A. having those previous conversations, which were on 7 consider it filed. 7 MS. DEON: Well, I was in the 8 8 messenger -middle of a question so, I'm sorry, would 9 9 Q. Yes. you mind -- well, I'll start over again. -- to sending disappearing messages two or 10 10 A. MR. SCHWARTZ: I'm sorry, 11 three hours later --11 Counsel. 12 12 Q. Okay. MS. DEON: And in the future, why 13 -- and so this was 8 o'clock at night he 13 don't you keep a side list and then we can 14 sent the first disappearing message and it was just 14 talk about what you need rather than 15 this question mark that he sent. 15 putting it on the deposition record. 16 On P-27? 16 Q. 17 MR. SCHWARTZ: Well, I think it's Yes. And I didn't know what that meant. 17 A. important to put on the record at this 18 So at 8:24 he sent the second disappearing message 18 point; people have a way of disappearing. 19 which says you didn't see what I sent you; I didn't 19 BY MS. DEON: get anything that he said he sent me. 20 20 Back to where I was on Exhibit KJ-3, pages 21 Q. 21 And that's P-29 the text is contained? 32 through 37, Mrs. Jungclaus, appear to me to be a Correct. And then at 8:41 he sent this 22 22 A. printout of an internet search of your name; is that other disappearing message where I responded no, 23 23 24 correct? 24 that I didn't receive whatever he sent me. Page 32 Page 30 And you responded no on P-31? 1 A. That's correct. 1 Q. Did you print this out or did your lawyer 2 Q. P-31, and his response was I'm sure for the 2 print it out? right compensation you could find out everything. 3 3 4 A. I printed it. Okay. Thank you. 4 5 And which search engine did you use to come MR. SCHWARTZ: Could we go off 5 up with this? 6 6 the record for just a second? 7 Google. (At this time, a discussion was A. 7 8 What did you put in as the terms? held off the record.) Q. 8 Kathleen Jungclaus. 9 A. BY MS. DEON: 9 Pages 38 through 43 of KJ-3 is the Mount 10 Mrs. Jungclaus, when you say the items that Q. 10 Laurel police blotter; is that correct (indicating)? 11 remain with respect to the disappearing messages are 11 the ones you took pictures of, are you referring to Yes. 12 A. 12 Okay. And there's also a Court Summary 13 Q. what I have in my hand, which is P-26 through 13 from Delaware County. It's my recollection that 14 P-31 ---14 this document was attached to the letter of Mark 15 15 Yes. A. Schwartz in November of 2016? 16 16 Q. -- of KJ-3? 17 A. Sorry. Yes. 17 Pages 44 through 48 of KJ-3 appear to be a 18 Okay. There was also a production in the 18 deed and a page on some social media for Gregory 19 19 response to the records request at P-32 through Scott, an architect, that bid for work at Waverly; P-37 --20 20 MR. SCHWARTZ: Before we get to 21 is that correct? 21 Can I see it? A. 22 that, if I may, I'd like to make a request 22 (Indicating). that unlike his messages which disappear, I 23 O. 23 don't want Mr. Billig to disappear, and I'd 24 A. Correct. 24

Page 33

- 1 Q. You testified yesterday about a Penn State
- 2 property that Mr. Garvin purchased; is that correct?
- 3 A. Yes
- 4 Q. And is this the documentation that is with
- 5 respect to that property?
- 6 A. Yes.
- 7 Q. KJ-3 at pages 54 through 59 appear to be a
- 8 series of conversations between you and a woman
- 9 named Andrea; is that correct?
- 10 A. No. This first one is a conversation
- between myself and Tom Wozniak, the compensation
- 12 consultant that's used by Waverly Heights.
- 13 Q. What page number is that?
- 14 A. P-54.
- Q. Can you tell me, the pages that you have in
- 16 front of you that I just referenced, what type of --
- is that instant messaging; is that e-mailing;
- 18 texting?
- 19 A. This isn't -- this first one on P-54 is an
- e-mail to my personal gmail account.
- 21 Q. What is the date of that?
- 22 A. Sunday, October 2nd.
- 23 Q. Of which year?
- 24 A. Oh, 2016.

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Page 36

- 1 Q. How did you know that he thinks it was Tom
- 2 Garvin or what is your basis for saying that it was
- 3 Tom Garvin?
- 4 A. No one else would know to contact Tom
- 5 Wozniak or would have his contact information to let
 - him know that.
- 7 Q. Sitting here today though you're not
- 8 certain if anyone else had communication with him
- 9 regarding the terms of your separation?
- 10 A. No.

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- Q. How about P-55?
- 12 A. This one does not have a number
- 13 (indicating), but the next one is 56, so I would
- imagine that that should be 55.
- Q. Okay. Andrea Jones is a series of e-mails
- on P-55; is that correct?
- 17 A. Yes.
- 18 Q. And are there other messages -- or, excuse
- me, other e-mails between you and Andrea that
- 20 follow?
- 21 A. P-56, P-57 -- I'm sorry, this is P-55 --
- P-58 and P-59 are all e-mails between myself and
- 23 Andrea Jones.
- Q. Is she someone that you worked with at

Page 34

- 1 Q. Have you had any other communication with
- 2 Mr. Wozniak other than that e-mail?
- 3 A. I have.
- 4 Q. When was that?
- 5 A. I -- he reached out to me about maybe a
- 6 year ago to tell me that he was getting married.
- 7 Q. Did you discuss anything else?
- 8 A. He just asked me how I was doing.
- 9 Q. Did you discuss this lawsuit?
- 10 A. No. Not that I recall.
- 11 Q. Did you have any other contact with him?
- 12 A. He just asked if we wanted to get together
- for coffee, but we could never get a date together
- 14 so it never happened.
- 15 Q. Is there any other content of e-mail
- between individuals on that page that you just
- 17 referenced, which is P --
- 18 A. P-54. No. This is where he told me that
- 19 he was told I was fired for an inappropriate post on
- 20 Facebook.
- Q. Do you know who he claims told him that?
- 22 A. Tom Garvin.
- Q. Does it state that in the text?
- 24 A. No.

- 1 Waverly?
- 2 A. She was a housekeeper.
- 3 Q. Is she still at Waverly?
- 4 A. I don't know.
- 5 Q. Am I correct that the first e-mails between
- 6 the two of you are in October?
- 7 A. I would have to look at them.
- 8 Q. Yeah. It appears -- they're in a different
- 9 order, but it appears October 23rd is the earliest,
- 10 of 2016?
- 11 A. October 23rd. Yes.
- 12 Q. Other than these e-mail exchanges, did you
- have any other communication with her at anytime
- following your separation from employment with
- 15 Waverly?
- 16 A. No.
- 17 Q. Did you speak with her by telephone or was
- all of your communication by e-mail?
- 19 A. She called me one day and we did talk by
- 20 telephone.
- 21 Q. When was that?
- 22 A. It was one of those times in between the
- e-mails.
- Q. So it would have been some time around

	Page 37	Page 39
1	October of 2016?	1 Q. Do you see the Open Door Policy that's
2	A. Correct.	2 referenced there?
3	Q. What was the nature of that call?	3 A. I do.
4	A. She was just telling me that the	4 Q. Was that an effective policy, in your
5	speculation was that I got fired for stealing.	5 opinion?
6	Q. What did she base that upon?	6 A. I think so.
7	A. People seeing me being escorted off the	7 Q. How about the Employee Problem Solving
8	property.	8 Procedure, is that a policy that you, in your
9	Q. What was the normal procedure when an	9 opinion, thought was effective and necessary for
10	individual was terminated whether it was for	10 Waverly?
11	stealing or anything else; would there have been an	11 A. It was a policy; it wasn't very effective.
12	escort?	12 Q. Why is that?
13	A. Yes.	13 A. Employees were not comfortable going to
14	Q. Did you ever perform that function or was	their department directors or to the President to
15	it always someone from security?	15 discuss issues.
16	A. It was always Marc Heil and someone from	16 Q. What, if anything, did you do to change
17	security.	17 that?
18	Q. During the testimony yesterday, just to	18 A. I encouraged them, the best that I could,
19	clarify, is the reason that you pursued a	19 or took their circumstance to the director or the
20	discrimination claim because Waverly challenged your	20 President myself.
21	unemployment compensation benefits?	21 Q. Did you get any resolution of it after
22	A. No.	22 doing so?
23	Q. Okay. When did you first decide or	23 A. The employees still had fear to go to their
24	determine that you would pursue a claim of	24 director or the President for fear of retaliation
	dotormine mar you would puroue a stam of	
	Page 38	Page 40
1	discrimination?	1 and termination.
1 2	A. When I was fired.	
2		2 Q. And I'm correct that you never reported
3	Q. Just for the record, KJ-3 at P-53, is this	3 that to the Personnel Committee of the Board or any
ı		that to the Personnel Committee of the Board or any of the Trustees, correct?
3	Q. Just for the record, KJ-3 at P-53, is thisa copy of the Charge of Discrimination that youA. Yes.	that to the Personnel Committee of the Board or any of the Trustees, correct? A. Correct.
3 4	Q. Just for the record, KJ-3 at P-53, is this a copy of the Charge of Discrimination that you	 3 that to the Personnel Committee of the Board or any 4 of the Trustees, correct? 5 A. Correct. 6 Q. Did you have individuals that ever invoked
3 4 5	Q. Just for the record, KJ-3 at P-53, is thisa copy of the Charge of Discrimination that youA. Yes.	that to the Personnel Committee of the Board or any of the Trustees, correct? A. Correct. Q. Did you have individuals that ever invoked Step 3, which would be writing to you? Do you see
3 4 5 6	 Q. Just for the record, KJ-3 at P-53, is this a copy of the Charge of Discrimination that you A. Yes. Q. And the date that you submitted that to the EEOC was it 12/13/16? A. Correct. 	that to the Personnel Committee of the Board or any of the Trustees, correct? A. Correct. Q. Did you have individuals that ever invoked Step 3, which would be writing to you? Do you see on the second sentence of Step 3 it says that they
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	Page 41		Page 43
1	look in the fifth paragraph under Procedure.	1	MS. SOMMER: 676.
2	A. (At this time, the witness complies with	2	MS. DEON: Thank you. 676.
3	request.)	3	BY MS. DEON:
4	Q. What is the importance of complaints being	4	Q. Also, there is an attachment on the next
5	investigated immediately?	5	page of Policy No. P-685, which is a Sexual
6	A. Well, it's important for employees to feel	6	Harassment Policy. Do you see that?
7	like they're being heard and that issues are being	7	A. Yes.
8	addressed immediately.	8	Q. And you were, likewise, the individual to
9	Q. Is it also the employer's obligation to	9	whom reports should be directed; it says to the
10	ensure an environment that is free of discrimination	10	Director of Human Resources or to Administration for
11	and harassment; would that be another reason for the	11	confidential handling of the situation, correct?
12	desire to have complaints investigated immediately?	12	A. Yes.
13	A. Yes.	13	Q. Lastly, in the last three pages of that
14	O. There's also a reference in that same	14	exhibit there is the Equal Opportunity Employer
15	sentence that they will be handled as confidentially	15	Policy, Harassment in the Workplace, Code of
16	as possible, correct?	16	Conduct, and Americans with Disabilities Act. Am I
17	A. Yes.	17	correct that those were all in place when you were
18	Q. And would that sometimes require you to	18	the VP of HR?
19	bring matters to the attention of management, even	19	A. Yes.
20	if an employee might not want you to?	20	Q. Did you, at anytime, if an individual made
21	A. Yes.	21	a complaint to you, direct them to the resources
22	Q. There's also a reference in that same	22	that are contained within the EEO Policy where it
23	paragraph of a protection against illegal	23	says complaints of discrimination may be filed with
24	retaliation. Do you see that?	24	any of the following and it gives a number of
	Page 42		Page 44
1	A. Yes.	1	different resources; did you ever call that
2	Q. And in the third paragraph of that policy		: fi 11-, to any one of attention?
	Q. And in the time paragraph of that portey	2	specifically to anyone's attention?
3	it does say that employees who had been subjected to	3	A. I did.
3 4			A. I did. Q. Do you recall whether any of those were
	it does say that employees who had been subjected to	3	A. I did.
4	it does say that employees who had been subjected to prohibited discrimination or harassment should	3 4	A. I did. Q. Do you recall whether any of those were senior members of leadership? A. No.
4 5	it does say that employees who had been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor,	3 4 5	A. I did. Q. Do you recall whether any of those were senior members of leadership? A. No. Q. Would that have only been with
4 5 6	it does say that employees who had been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor, department director or Director of Human Resources,	3 4 5 6	A. I did. Q. Do you recall whether any of those were senior members of leadership? A. No. Q. Would that have only been with non-managerial employees?
4 5 6 7	it does say that employees who had been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor, department director or Director of Human Resources, correct? A. Yes. Q. And even though they weren't referencing	3 4 5 6 7 8 9	 A. I did. Q. Do you recall whether any of those were senior members of leadership? A. No. Q. Would that have only been with non-managerial employees? A. If I felt that it was appropriate, I would
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	Page 45		Page 47
1	during your tenure as VP of Human Resources?	1	was an annual training that was conducted that
2	A. Yes.	2	everyone was required to attend that was on a
3	Q. Did you also conduct trainings of	3	variety of subjects, including in there was
4	non-managerial employees with respect to those same	4	workplace violence; Constance Dogan talked about
5	policies?	5	diversity in the workplace, those were all part of
6	A. Which policies are you referring to?	6	the annual training that everyone was supposed to
7	Q. The ones that we just looked at which were	7	attend.
8	KJ-4.	8	Q. Was there a time when you personally
9	A. I didn't conduct trainings on those.	9	presented to the staff either as a whole or in
10	Q. At anytime?	10	groups on antidiscrimination and harassment in the
11	 A. No. I conducted trainings on different 	11	workplace?
12	topics, but not on those. The employee handbook was	12	A. No.
13	reviewed by Jacquie Levin, who was the recruiter,	13	Q. Did you ever, at any type of forum or staff
14	during annual during orientation.	14	meeting, review the manner in which someone should
15	 Q. You signed off on the handbook and approved 	15	report discrimination or harassment in the
16	it as part of the senior leadership team, correct?	16	workplace?
17	A. As part of the handbook?	17	A. I don't recall.
18	Q. Did you approve, as part of the senior	18	Q. Did anyone else, in any forum that was
19	leadership team, for the adoption of the 2014	19	presented to staff at Waverly, ever go through the
20	handbook?	20	manner in which an individual should report
21	A. That was approved by Tom. I wrote it, it	21	discrimination and harassment?
22	was reviewed by the senior leadership team and	22	A. I don't recall.
23	edited by the senior leadership team for comments,	23	Q. As the Vice President of Human Resources,
24	and it was approved by Mr. Garvin.	24	would you agree that it's important for individuals
		<u> </u>	
	Page 46		Page 48
1		1	Page 48 to know their rights in that regard?
1 2	Q. Was there anything in it that you believed	1 2	
			to know their rights in that regard?
2	Q. Was there anything in it that you believed or opined was inaccurate or inappropriate from a	2	to know their rights in that regard? A. Absolutely.
2	Q. Was there anything in it that you believed or opined was inaccurate or inappropriate from a procedural standpoint?	2 3	to know their rights in that regard? A. Absolutely. Q. And would you also say that it was important for individuals to know how to report if they saw discrimination or experienced
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- 1 of how they report discrimination or harassment?
- 2 A. It's on every employee bulletin board.
- 3 Q. What's the answer to my question though?
- 4 Being reviewed in a seminar is what I was asking;
- 5 was that ever a presentation, a live meeting where
- 6 it's presented?
- 7 A. No, but the only thing I can think of that
- 8 would be even close was the corporate compliance
- 9 training that Janet Thompson did years ago.
- 10 Q. When you referenced that it's posted on the
- bulletin board, are you speaking of the Department
- 12 of Labor types of signage --
- 13 A. Yes.
- 14 Q. --- that has various statutes and the
- rights of employees under those statutes including
- 16 Title VII and other antidiscrimination statutes?
- 17 A. Yes. To my best recollection, this page is
- also posted on the employee bulletin board
- 19 (indicating).
- 20 Q. And for the record, you're referring to
- 21 **KJ-5** --
- 22 A. Correct.
- 23 Q. -- which was produced in discovery,
- 24 Waverly-0325.

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Page 52

- 1 Q. How long a process was that in terms of the
- 2 coursework that you took?
- 3 A. I think it was a couple months; three or
- 4 four months. I don't really remember.
- 5 Q. Am I correct that page numbers 0483 through
- 6 0490, those are all related to that NHA
- 7 certification?
- 8 A. Yes.
- 9 O. I'm just about done.
- 10 Yesterday there was testimony about a
- conversation you had with Basheer, B-A-S-H-E-E-R,
- Womack, W-O-M-A-C-K; did I spell that correctly?
- 13 A. Correct.
- 14 Q. You testified that you had a conversation
- that he initiated regarding voting for Trump; is
- 16 that correct?
- 17 A. Yes.
- 18 Q. Did I understand correctly that immediately
- after that conversation you went to the office of
- 20 Maria DePaul?

21

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3

6

11

- A. Immediately -- it wasn't immediately after
- 22 the conversation, but shortly thereafter.
- Q. Was it the same day?
- 24 A. Yes.

Page 50

- That document is the Employee Awareness for
- 2 how to report discrimination that you signed upon
- 3 your hire on April 7th, 1997, correct?
- 4 A. Yes.

1

- 5 Q. Okay. And if you would just take a look at
- 6 the documents that were produced; Waverly-0344,
- 7 0352, 0366, 0374, 0422, 0461, 0463, is that the type
- 8 of documentation that you would receive after
- 9 completing what's been referenced in your testimony
- as the Silverchair and Relias Learning that's done
- 11 online?
- 12 A. Yes.
- 13 Q. Okay. And there were subject matters, as
- are depicted in these documents, embracing
- diversity, preventing sexual harassment; is that
- 16 correct?
- 17 A. Yes.
- 18 Q. Okay. If you look at the documents within
- that exhibit that start at Waverly-0483, there's a
- 20 certificate from the Institute for Continuing
- Education and Research. Are the documents that are
- 22 attached to this exhibit with respect to your NHA
- 23 certification?
- 24 A. Yes.

- Q. Were you there to see her for any purpose
- 2 other than to discuss your conversation with
 - Basheer?
- 4 A. I didn't go down the hallway with the
- 5 intent to see her; I walked down the hallway and she
 - happened to be in her office.
- 7 Q. Did you stop in solely for the purpose of
- 8 discussing your conversation with Basheer?
- 9 A. No.
- 10 Q. What was your purpose in stopping in?
 - A. I just stopped to say hello.
- 12 O. How was it raised with her the conversation
- 13 with Basheer?
- 14 A. I asked her if she minded if I had a
- conversation with her that would be confidential.
- 16 Q. Why did you feel the need to designate that
- 17 as a confidential communication?
- 18 A. Because of the content of the conversation.
- 19 Q. What about the content was concerning to
- 20 **you?**
- 21 A. The fact that it was about politics in the
- 22 workplace.
- Q. Did I understand your testimony yesterday
- 24 to be that you wanted to run by her whether you had

	Page 53	Page 55
1	handled the situation correctly?	1 the only person on the senior management team that
2	A. Yes.	2 was responsible for employees. Every other senior
3	Q. At that point you had been an HR executive	3 leadership had something to do with the residents
4	for 25-plus years; is that correct?	4 and so I was a lone star, and I had to have some
5	A. Yes.	5 coworkers that I could confide in to discuss things
6	Q. And why is it that you would feel the need	6 with and so, yes, there were many times that I I
7	to get feedback from the social worker on that	7 discussed situations with my peers.
8	topic?	8 Q. Was there anyone in senior leadership that
9	A. She's dealt with difficult situations and I	9 oversaw the Healthcare Center?
10	wanted to run past her my delivery to make sure that	10 A. Meredith Feher.
11	I was perceived properly. I think that when you	11 Q. Okay. And wouldn't she have had
12	speak with employees, you know, your interpretation	12 interaction with employees?
13	of how you sound and how you come off is one way,	13 A. Yes.
14	and their perception could be something completely	14 Q. I thought you just said that you were the
15	different; so I just wanted to run it past somebody	15 only person on the senior leadership team that had
16	to make sure that the delivery was coming across	16 interaction with employees?
17	properly.	17 A. Interaction is one thing; oversight is
18	Q. You've had to speak with hundreds of	18 something different. I mean she supervised people,
19	employees over your many years, and wouldn't you say	but in terms of being sure that employees were
20	that that's a skill set that you already possessed	20 treated fairly and respectfully, that was my sole
21	in terms of how to address difficult topics with	21 purpose.
22	employees?	22 Q. Were there any other instances when you
23	A. Absolutely, but because of the content	23 consulted with someone at Waverly about your
24	being political, it's such a it was such a heated	24 delivery in a communication with an employee due to
	,	
	Page 54	Page 56
1	debate during the political election year that I was	1 the sensitivity of the subject matter, other than
1 2	hypersensitive to how I came across, so it was	2 what you just testified to with respect to Maria?
	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone	2 what you just testified to with respect to Maria?3 A. I'm sure there were.
2	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my	 2 what you just testified to with respect to Maria? 3 A. I'm sure there were. 4 Q. Can you think of any examples?
2	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper.	 2 what you just testified to with respect to Maria? 3 A. I'm sure there were. 4 Q. Can you think of any examples? 5 A. I believe that I spoke with Constance Dogan
2 3 4	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff
2 3 4 5	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper.	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure
2 3 4 5	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again,
2 3 4 5 6 7	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly community that you would have considered having that conversation with? A. No.	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again, your perception of the way you're coming across is
2 3 4 5 6 7 8	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly community that you would have considered having that conversation with? A. No. Q. Is there any other time that you can	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again, your perception of the way you're coming across is one; it's always important to me to make sure that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly community that you would have considered having that conversation with? A. No. Q. Is there any other time that you can reflect in your career that you've felt the need to confer with a coworker about whether your delivery in a communication with an employee was appropriate? A. Yes. Q. When was that? A. A couple times. Q. Can you give me examples? A. I would talk to Janet Thompson frequently about conversations that I might have had with someone. I talked to Mr. Garvin about conversations that I had with someone, in particular Trish	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again, your perception of the way you're coming across is one; it's always important to me to make sure that the receiving party is getting the message the way I intend it to be sent. Q. What was the incident with the television set? A. We purchased televisions for the employee lunchbox and because employees wanted to watch basketball games mostly, and so it was decided that three stations would be put on the television; it was Animal Planet, ESPN, and CNN News, those were the three stations, and there were no remotes to the televisions. They were each television had a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly community that you would have considered having that conversation with? A. No. Q. Is there any other time that you can reflect in your career that you've felt the need to confer with a coworker about whether your delivery in a communication with an employee was appropriate? A. Yes. Q. When was that? A. A couple times. Q. Can you give me examples? A. I would talk to Janet Thompson frequently about conversations that I might have had with someone. I talked to Mr. Garvin about conversations that I had with someone, in particular Trish Thompson, to talk about the delivery of how I was	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again, your perception of the way you're coming across is one; it's always important to me to make sure that the receiving party is getting the message the way I intend it to be sent. Q. What was the incident with the television set? A. We purchased televisions for the employee lunchbox and because employees wanted to watch basketball games mostly, and so it was decided that three stations would be put on the television; it was Animal Planet, ESPN, and CNN News, those were the three stations, and there were no remotes to the televisions. They were each television had a different station on it. So in the morning, whoever
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hypersensitive to how I came across, so it was important to me to make sure that I talk to someone who has difficult conversations to make sure that my delivery was was proper. Q. Was there anyone else within the Waverly community that you would have considered having that conversation with? A. No. Q. Is there any other time that you can reflect in your career that you've felt the need to confer with a coworker about whether your delivery in a communication with an employee was appropriate? A. Yes. Q. When was that? A. A couple times. Q. Can you give me examples? A. I would talk to Janet Thompson frequently about conversations that I might have had with someone. I talked to Mr. Garvin about conversations that I had with someone, in particular Trish	what you just testified to with respect to Maria? A. I'm sure there were. Q. Can you think of any examples? A. I believe that I spoke with Constance Dogan after I had the meeting with the housekeeping staff regarding the television set. I wanted to make sure that my delivery was clear and respectful. Again, your perception of the way you're coming across is one; it's always important to me to make sure that the receiving party is getting the message the way I intend it to be sent. Q. What was the incident with the television set? A. We purchased televisions for the employee lunchbox and because employees wanted to watch basketball games mostly, and so it was decided that three stations would be put on the television; it was Animal Planet, ESPN, and CNN News, those were the three stations, and there were no remotes to the televisions. They were each television had a

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Page	57
Lago	J 1

- 1 TV.
- 2 O. Just so I'm clear, it wasn't that three
- 3 different programs were on three different TVs, but
- 4 all three TVs played the same thing?
- 5 A. No.
- 6 Q. Okay. Three different.
- 7 A. It was the TVs were programmed so that only
- 8 one of those three stations would come on when a TV
- 9 was on.
- 10 Q. Okay.
- 11 A. The employees took it upon themselves to
- take the remote controls from the Healthcare Center
- and change the stations, and they were watching an
- 14 African American comedy show that was offensive to
- employees, many employees. I got a phone call from
- an employee who told me that the television show had
- been on and that they took offense to it.
- 18 O. Was it offensive to African Americans or
- 19 was it offensive to non-African Americans?
- 20 A. Both.
- Q. And how about the individual making the
- 22 complaint to you, were they African American or
- 23 otherwise?

1

24 A. Otherwise.

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- their department complaining about my changing the
- 2 television station, and that I thought it was
- 3 important that they know that it had nothing to do
- 4 with the race of the person who made the complaint,
- 5 but that the television show itself was offensive
- 6 and that it was the rule that we have three stations
- 7 on in the cafe.
- 8 Q. In terms of the show being offensive, what
- 9 about it was offensive?
- 10 A. The language, the sexual content, the
 - sexual innuendo, that was what was offensive.
- 12 Q. So it wasn't racially offensive, it was
- 13 sexually offensive?
- 14 A. Yes.
- 15 Q. When you sent the Tweet that we identified
- 16 yesterday as RJ-1, were you of the belief that you
- were exercising political free speech?
- 18 A. I was exercising just an observation which
- 19 I thought was -- there's nothing wrong with the
- 20 Tweet, it's an observation.
 - Q. In the letter from Mr. Schwartz, which we
- 22 identified yesterday as, I believe, RJ-4, was there
- 23 a reference in that letter to the fact that you were
- 24 exercising political speech?

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- Q. So what happened after that?
- 2 A. So I went downstairs and I took the remote
- 3 controls back again, returned them back to the
- 4 Healthcare Center and put the TV stations back on.
- 5 I received a phone call from an employee complaining
- 6 that I made the decision because a white employee
- 7 complained about the television.
- 8 Q. Had a Caucasian employee complained?
- 9 A. Yes.
- 10 Q. What did you do in response to that?
- 11 A. And the comment on the telephone was that I
- made it because I was siding with the white people.
- 13 Q. What, if anything, did you do after that?
- 14 A. I thought it was important that I address
- the issue immediately, so I asked -- I knew the
- voice of the employee that made the complaint, it
- was a housekeeping staff person. I had overseen
- 18 housekeeping on many, many occasions in absence of a
- director, and I had close relationships with that
- whole department, so I thought it was important that
- 21 I address the issue immediately, so I asked to
- 22 attend their stand-up meeting in the morning, and I
- 23 went downstairs and I told the employees that I had
- 24 received an anonymous phone call from someone in

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- A. I don't recall.
 Q. Do you have an opinion as to whether you
- 3 were expressing political speech?
- 4 A. I think I was expressing free speech; I
- 5 don't necessarily think it was political.
- 6 O. With respect to the anonymous letter, which
- 7 we marked yesterday as RJ-2, who do you believe
- 8 wrote that anonymous letter?
- 9 A. Anita Summers.
- 10 Q. What is the basis for that?
 - A. Mrs. Summers was very upset with me because
- 12 I had terminated her housekeeper.
 - Q. When was that?
- 14 A. A couple years before. I don't really
- recall the year. She asked for a meeting with me to
 - discuss the circumstances surrounding the
- termination. I met with her at the bottom of my
- 18 office in what was -- what used to be called the
- 19 closing room, and now I believe it's Brenda
- 20 McFadden's office, and we had a discussion about the
- 21 termination. She wanted to know the reason that her
- 22 housekeeper was fired, and I told her that I
- 23 couldn't disclose that information, that it was
- 24 confidential, but that it was for a just cause, and

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KATHLEEN M. JUNGCLAUS

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1	that I don't make those decisions exclusively, that	1	A. No.
2	I have the support of the President as well; I don't	2	Q. What was the name of the book?
3	make decisions exclusive to terminations. She was	3	A. It was a Sandberg book; I don't remember
4	very upset with me; a lot of the language that she	4	the title.
5	used in that meeting is reflected in this letter.	5	Q. Did you read the book?
6	Q. Was anyone else present during that	6	A. I did.
7	meeting?	7	Q. Did you return the book?
8	A. No.	8	A. I did.
9	Q. And am I correct that she was an individual	9	Q. What is the book about?
10	that sat on the Ethics Committee for the Board of	10	A. It's about ethics. I think Mrs. Summers
11	Trustees?	11	particularly likes it because she's mentioned in the
12	A. She's the Chair of the Ethics Committee.	12	book.
13	Q. What in the letter, when you just	13	Q. Anything else discussed at that time in the
14	referenced there being language during your	14	villa that
15	conversations with her that was similar to the	15	A. Just
16	anonymous letter; what are you speaking about? And	16	Q was related to the letter?
17	for the record, that's RJ	17	A. No, but when I took this letter home and I
18	MR. SCHWARTZ: 2.	18	read that read it and actually absorbed it, that
19	MS. DEON: You have the copy,	19	those two sentences I could hear her voice in my
20	could you look there?	20	head, because it's pretty much verbatim what she
21	MR. SCHWARTZ: Yeah. RJ-2.	21	said to me in her villa.
22	MS. DEON: Okay.	22	Q. There was a statement yesterday either by
23	MR. SCHWARTZ: While she's	23	your Counsel or by you about an alleged conspiracy
24	looking, could I just take a two-minute	24	between Ms. Summers and Tom Garvin with respect to
	Page 62		Page 64
1	break?	1	your termination. Do you recall that?
2	MS. DEON: Yes.	2	A. Yes.
3	(At this time, a short break was	3	Q. Are you of the opinion that Mr. Garvin
4	taken.)	4	conspired with Ms. Summers in order to terminate
5	BY MS. DEON:	5	you?
6	Q. Mrs. Jungclaus, do you remember the	6	A. I have no idea. I do speculate that.
7	question?	7	Q. Okay. When I asked you yesterday about
8	A. I do. I was invited to Mrs. Summers' villa	8	instances of sexual harassment you mentioned Ann
9	to meet with her when we were developing a Risk	9	Rodgers, correct?
10	Management Committee, and when I was in her villa we	10	A. Correct.
_		and the second	
11	were having a discussion about ethics; she made a	11	Q. And would you agree with me that any
	comment very similar to this sentence; I've lived my	12	interaction you had with Ann Rodgers would have
11	comment very similar to this sentence; I've lived my life among people that above all else strive to	12 13	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of
11 12	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter	12 13 14	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge?
11 12 13	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a	12 13 14 15	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know.
11 12 13 14	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a conversation, a close relationship, a work	12 13 14 15 16	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know. Q. Well, if she was terminated or should I say
11 12 13 14 15 16	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a conversation, a close relationship, a work environment, a social arena or a passing exchange.	12 13 14 15 16 17	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know. Q. Well, if she was terminated or should I say if she was separated from employment more than
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11 12 13 14 15 16 17 18	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a conversation, a close relationship, a work environment, a social arena or a passing exchange. I made it a point of exclusively surrounding myself with people who show respect for themselves and for	12 13 14 15 16 17 18 19	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know. Q. Well, if she was terminated or should I say if she was separated from employment more than 300 days from December 13th, 2016, would you agree with me that more than 300 days passed since those
11 12 13 14 15 16 17 18 19	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a conversation, a close relationship, a work environment, a social arena or a passing exchange. I made it a point of exclusively surrounding myself with people who show respect for themselves and for others. That's pretty much verbatim what she said	12 13 14 15 16 17 18 19 20	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know. Q. Well, if she was terminated or should I say if she was separated from employment more than 300 days from December 13th, 2016, would you agree with me that more than 300 days passed since those events?
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11 12 13 14 15 16 17 18 19 20 21	comment very similar to this sentence; I've lived my life among people that above all else strive to conduct themselves in an honorable manner no matter what situation they find themselves in; be it a conversation, a close relationship, a work environment, a social arena or a passing exchange. I made it a point of exclusively surrounding myself with people who show respect for themselves and for others. That's pretty much verbatim what she said to me in her villa, and then she handed me a book to	12 13 14 15 16 17 18 19 20 21	interaction you had with Ann Rodgers would have occurred more than 300 days prior to the filing of the EEOC charge? A. I guess. I don't really know. Q. Well, if she was terminated or should I say if she was separated from employment more than 300 days from December 13th, 2016, would you agree with me that more than 300 days passed since those events? A. Okay. Yes.

Page 67 Page 65 he with Dining Services? separation from employment? 1 1 2 Bob Supper is pretty harassing on a daily A. Yes. 2 A. basis, so I would say probably within that week. 3 3 You testified yesterday about e-mails that you found to be inappropriate sent by Mr. Soltis, Did you interact with him on a daily basis? 4 4 5 S-O-L-T-I-S. Do you recall that? I interacted with him several times a week. 5 6 6 Q. And is it your testimony that he sexually A. 7 harassed you or created a hostile work environment 7 Q. Did you consider those e-mails to 8 constitute harassment on the basis of gender? on the basis of gender on each of those occasions 8 9 I think that they're so degrading and 9 that you interacted with him? 10 disgusting and anti-Semitic that it doesn't even 10 Mr. Supper is demoralizing on a regular have to be about gender, but it was about gender basis, so I would say yes. He's very difficult to 11 11 12 because it referenced Hillary Clinton in numerous 12 have a conversation with. He -- if you have an 13 13 opinion, he voices his opinion over yours and e-mails. And you considered those references to 14 there's no arguing with him. Q. 14 constitute a hostile work environment on the basis 15 And it's your belief that that is based 15 16 upon your gender? 16 17 17 Yes. A. Absolutely. A. 18 How about were those e-mails in any way How about with respect to Mr. Garvin? And, Q. 18 objectionable to you on the basis of age? again, I'm speaking of harassment on the basis of 19 19 gender; when did you experience that for the last 20 I can't say age. 20 21 With respect to your claims for gender 21 time prior to being separated from employment? Q. 22 discrimination, putting aside your actual 22 I think when I addressed my concerns about 23 termination and the event of your termination, do 23 the car with Mr. Supper, the fact that he told me to you contend that any member of the Board of Trustees 24 never bring it up again was demeaning to me as a 24 Page 68 Page 66 ever discriminated against you on the basis of your 1 1 woman. 2 And how about yesterday you testified about gender? 2 Q. 3 a number of interactions with Mr. Hendrickson, 3 A. Anyone on the Board? 4 Q. Yes. H-E-N-D-R-I-C-K-S-O-N? 4 5 I don't think that they discriminated 5 Yes. A. 6 6 When is the last time that you were ever in against me on the basis of my gender. O. 7 Q. How about on the basis of your age? 7 his company, during the time that you were employed 8 A. 8 by Waverly, when you claim you were subjected to 9 How about the creation of a hostile 9 sexual harassment? 10 workplace on the basis of your gender; do you 10 I don't recall. 11 contend that any member of the Board of Trustees did 11 Is it possible that those interactions 12 so? 12 occurred more than 300 days prior to December 13th, 13 2016? 13 MR. SCHWARTZ: Question; this is all with respect to -- you said -- you 14 I don't think it was that long. 14 A. prefaced your question by saying aside from 15 You referenced Mr. Garvin making a 15 termination? 16 statement about don't worry, I'm not getting rid of 16 17 MS. DEON: Correct. the old-timers. Do you recall that? 17 MR. SCHWARTZ: So this is all 18 18 19 Q. And in connection with whose separation 19 before the termination? from employment did he make that statement? 2.0 MS. DEON: Correct. 20 21 THE WITNESS: I'm sorry, could I don't recall. I think it was Colin 21 22 you repeat the question? 22 Gallagher or -- let me go around the table -- I 23 think it was Colin Gallagher. 23 MS. DEON: Yes. I thought -- and I may be incorrect -- is 24 BY MS. DEON: 24

Page 69	Page 71
1 Q. You made a claim in this case for	other employees brought to you; is that my am I
2 harassment and a hostile work environment on the	2 accurate when I say that?
basis of gender as one aspect, and I'm asking	3 A. Yes. 4 Q. So would you also agree that the Board of
whether any member of the Board of Trustees ever	
5 created a hostile workplace for you on the basis of	
6 your gender?	
7 A. I had a conversation with Scott Jenkins one	
8 morning after Bob Supper was hired, and he made a	8 A. Well, it was when I was told that the full 9 Board unanimously terminated me and that the full
9 comment to me that he was surprised that based on	10 Human Resource Committee terminated me without any
Bob's reputation as a drinker that he got the	11 just cause or investigation or questioning of me of
position and kind of laughed it off and gave the	12 anything, I would say that that's a rash decision
good old boy kind of vibe, that it was an okay thing	13 and discriminatory.
that Bob was a drinker and put into this second in	14 Q. Okay, but we're speaking about retaliation.
command position; I do view that as gender	15 So retaliation I'm asking you specific to that; it
inequality, because I think that if a woman was like	16 would require that you engage in a protected
that, that she wouldn't be in the position.	would require that you engage in a proceed activity and that then there was adverse employment
17 Q. How about the same question but with	18 action taken against you as a result of that
respect to age; did any Board of Trustees ever	19 protected activity. So the foundation of my
19 create a hostile workplace on the basis of age?20 A. No.	20 question was that if you never brought to their
	21 attention your complaints, would you agree with me
	22 that you did not that they would not have had
is there anything else that you would point to in terms of any member of the Board of Trustees	23 notice of any protected activity?
24 creating a hostile workplace on the basis of gender?	24 MR. SCHWARTZ: Objection. The
24 Ordanig a nostite workplace on the easts of gender.	
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A. Well, aside from the Chuck Soltis e-mails	last day and now almost a half has been
2 and the forwarding of e-mails by Dick Bauer to other	2 devoted to her testimony about the illegal
and the forwarding of e-mails by Dick Batter to other people, I would say no.	3 environment and being discriminated
3 people, I would say no. 4 Q. And is it your position that Mr. Bauer	1
3 people, I would say no. 4 Q. And is it your position that Mr. Bauer 5 forwarded e-mails that were offensive to you from	 against. You've had all of those specific answers.
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1	that would never work. If I went to the	1	who heard it from various Board members.
2	Board of Trustees I would have been	2	So the message was that I my reputation
3	immediately terminated, because they would	3	was completely ruined.
4	have picked up the phone and called Tom and	4	BY MS. DEON:
5	said Kathy said this, and that would have	5	Q. Is that your defamation claim or is that
6	been the end of my job, so to think that I	6	your retaliation claim?
7	could go to the Board with anything is	7	MR. SCHWARTZ: Objection. Calls
8	ludicrous.	8	for a legal conclusion.
9	BY MS. DEON:	9	BY MS. DEON:
10	Q. Okay. That's not what I'm asking. What is	10	Q. Do you know? You're making that statement,
11	your understanding of what it means to retaliate	11	I'm just asking are you putting that forth to
12	against an employee?	12	support a defamation claim or to support a
13	A. I know what it means; it means to be	13	retaliation claim?
14	terminated or to have some kind of an adverse action	14	A. That's a defamation claim. The
15	against someone.	15	retaliation, the post-termination retaliation, came
16	Q. As a result of what?	16	in the unemployment case. Never in the history of
17	A. A complaint.	17	Waverly Heights was any unemployment claim taken to
18	Q. What else? What type of complaint?	18	the Commonwealth Court. That was a post-termination
19	A. It could be any kind of a complaint;	19	retaliation because Tom's ego couldn't stand the
20	harassment, discrimination.	20	fact that I won my unemployment, and so he sued me
21	Q. But you agree with me that if someone had a	21	all the way to the Commonwealth Court, costing me
22	complaint that the temperature was too low in, you	22	thousands of dollars to defend myself, and because
23	know, their office and then they were fired, is that	23	it was an unprecedented finding it got published all
24	protected activity that you feel that would then be	24	over the internet and on every legal review, so I
		-	
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1	retaliation for them being fired?	1	call that post-termination retaliation; nothing like
2	MR. SCHWARTZ: Objection. Calls	2	that ever existed in the history of Waverly Heights.
3	for a legal conclusion.	3	 Q. How did you make payment for the attorney's
4	THE WITNESS: I don't know.	4	fees that you incurred for that legal work that you
5	BY MS. DEON:	5	just referenced
6	Q. Well, I'm just not clear that you	6	A. I paid personally.
7	understand what retaliation is, and I'm trying to	7	Q for the appeal?
8	understand what protected activity did the Board	8	And what form did you use; credit card,
9	have notice of, that they had actual notice that you	9	check
10	engaged in alleged protected activity? What is the	10	A. Check.
11	answer to that question?	11	Q cash?
12	A. None.	12	How much did you spend?
13	Q. Okay. Do you follow then that no member	13	A. In excess of \$13,000.00.
14	I was asking you whether any members of the Board of	14	Q. I know that Mr. Schwartz represented you in
15	Trustees retaliated against you, and if they didn't	15	that proceeding; did anyone else represent you in
16	have notice of protected activity, how could they	16	connection with that?
17	retaliate against you?	17	A. No.
18	MR. SCHWARTZ: This is	18	Q. When you met with Tom Garvin in September
	THE RESIDENCE OF THE AREA BASES	19	when he initially shared with you the anonymous
19	THE WITNESS: The retaliation		1 1 17 .1 .0
19 20	came in my post-termination. I heard	20	letter, do you recall that?
19 20 21	came in my post-termination. I heard through business owners that Board members	21	A. Yes.
19 20 21 22	came in my post-termination. I heard through business owners that Board members were told that I was fired for violating	21 22	A. Yes.Q. Did you ask him whether you were going to
19 20 21	came in my post-termination. I heard through business owners that Board members	21	A. Yes.

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1	Q. Based upon his tone in that meeting, was it	1	A. Correct.
2	your belief that he was unconcerned about the letter	2	Q. And how about his cell phone, did you know
3	and about the Tweet?	3	what his cell phone was?
4	A. Yes.	4	A. Yes.
5	Q. Did he ask you to take it down or did you	5	Q. Had you ever text-messaged him?
6	offer to do so?	6	A. Yes.
7	A. He told me to take it down.	7	Q. Had you ever e-mailed him during the
8	Q. Did you in any way object?	8	business day?
9	A. No.	9	A. Sure.
10	Q. You didn't tell him it was your free speech	10	Q. Did you try to e-mail him asking for a
11	right?	11	meeting?
12	A. No. I said I'll totally go upstairs and	12	A. I
13	take it down.	13	Q. It's either a yes or a no. We'll be here a
14	Q. I thought I read in the Amended Complaint	14	long time today. Can you just answer did you send
15	or somewhere in the filings that you made attempts	15	him an e-mail?
16	to see Tom on a number of occasions the day before	16	A. I don't recall.
17	you were terminated; is that correct?	17	Q. Did you send him a text?
18	A. Yes.	18	A. No.
19	Q. He had been away at a conference the week	19	Q. How about the next morning, Tuesday
20	before, correct?	20	morning, did you attempt to see him on Tuesday
21	A. Correct.	21	morning?
22	Q. Why is it that you were unable to see him	22	A. I did. I went down early in the morning,
23	that Monday?	23	he wasn't in yet, but I wasn't really able to see
24	A. He completely blew me off. He was behind	24	him, I had fire drills in the Andrews and Blair
		-	
	Page 78		Page 80
1		1	
1 2	closed doors the entire day. He came out of his	1 2	apartment buildings scheduled, so I was tied up
	closed doors the entire day. He came out of his office, standing in front of Amy Blessing's desk and	1	
2	closed doors the entire day. He came out of his	2	apartment buildings scheduled, so I was tied up doing that for most of the day.
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2 3 4	closed doors the entire day. He came out of his office, standing in front of Amy Blessing's desk and I happened to come down; I asked him how the conference was, he was very short with me and turned	2 3 4	apartment buildings scheduled, so I was tied up doing that for most of the day. Q. Did you leave a message with Amy to have him contact you?
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1	Q. You testified yesterday that after the conversation with Mr. Garvin in December of 2015	1 2	challenged the amount that you made or the payment of a bonus or lack of a bonus with Mr. Garvin on any
2	that then, in your opinion, things changed	3	other occasion?
3	drastically in your relationship. Do you recall	4	A. I did not, because other employees had done
4	that?	5	that and he thought that they were ungrateful and he
5 6	A. Yes.	6	made it a point of letting me know that, so
		7	Q. Who are those individuals?
7	Q. Was that actually a meeting that you had with Mr. Garvin in early January related to the pay	8	A. I don't recall. Debbie Best, I think, was
8 9	and bonus you were given in 2015?	9	one of them.
10	A. Yes.	10	Q. Were they members of senior leadership?
11	Q. Okay. What were you not included in going	11	A. No.
12	forward? I thought yesterday you testified that	12	Q. And you don't recall any other names?
13	from that time forward he no longer included you.	13	A. Janet Thompson complained about the size of
	Can you give me examples of what you were no longer	14	her bonus pretty much every year.
14 15	included in?	15	Q. Were there certain years that you did not
	A. Sure. In my relationship prior to that	16	receive a bonus at all?
16 17	meeting I spent hours with Mr. Garvin during the	17	A. Yes.
	course of a week, and it could be doing anything	18	Q. Did you make complaints to Mr. Garvin on
18	from walking through the Healthcare Center to	19	those occasions?
19 20	meeting about various topics. After that initial	20	A. No.
	meeting if I saw Tom once every two weeks or once a	21	Q. Do you claim that Mr. Garvin told you not
21 22	month, it was a lot.	22	to file a Workers' Compensation claim following the
23	Q. Were you prohibited from attending senior	23	asthma attack on August 19th?
24	management meetings?	24	A. Yes.
24	management meetings.		11. 100.
	Page 82	1	Page 84
1		1	
1 2	A. No.	1 2	Q. When did he tell you not to file a claim?
2	A. No.Q. Did he alter your duties in any respect	2	Q. When did he tell you not to file a claim?A. When I told him what had happened.
2 3	A. No.Q. Did he alter your duties in any respectA. No.	i	Q. When did he tell you not to file a claim?A. When I told him what had happened.Q. When was that?
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2 3 4 5 6	 A. No. Q. Did he alter your duties in any respect A. No. Q following that meeting? No? A. No. Q. Did he demote you? 	2 3 4 5	 Q. When did he tell you not to file a claim? A. When I told him what had happened. Q. When was that? A. I don't remember if it was that day or if it was on Monday; I don't really recall. I remember going downstairs, he was sitting in his office, and
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2 3 4 5 6 7 8 9 10	 A. No. Q. Did he alter your duties in any respect A. No. Q following that meeting? No? A. No. Q. Did he demote you? A. No. Q. Did he change your title? A. No. Q. Did he require that certain people no longer report to you? 	2 3 4 5 6 7 8 9 10	 Q. When did he tell you not to file a claim? A. When I told him what had happened. Q. When was that? A. I don't remember if it was that day or if it was on Monday; I don't really recall. I remember going downstairs, he was sitting in his office, and Amy was asking me how I was feeling, and I told her, and I told Tom what had happened, and he said to me well, you're not actually going to file a claim; how embarrassing would that be as the risk manager. Q. Did he say that in front of Amy?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. No. Q. Did he alter your duties in any respect A. No. Q following that meeting? No? A. No. Q. Did he demote you? A. No. Q. Did he change your title? A. No. Q. Did he require that certain people no longer report to you? A. No. Q. How many people did report to you? A. Two. Q. Were they considered both in the Human Resources Department? A. Yes. Q. How about the benefits, was that handled within Human Resources or was that a function in the Finance Department? A. HR. Q. Okay. Prior to the January 2016 meeting 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. When did he tell you not to file a claim? A. When I told him what had happened. Q. When was that? A. I don't remember if it was that day or if it was on Monday; I don't really recall. I remember going downstairs, he was sitting in his office, and Amy was asking me how I was feeling, and I told her, and I told Tom what had happened, and he said to me well, you're not actually going to file a claim; how embarrassing would that be as the risk manager. Q. Did he say that in front of Amy? A. Yes. Q. Did you in fact file a claim? A. My assistant did. Q. Which assistant? A. Jen Reardon. Q. Do you know whether she filed it on the same day as the incident? A. I don't know. Q. Did you ever do anything to follow-up on the claim going forward? A. I believe I tried to submit bills for my

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KATHLEEN M. JUNGCLAUS

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1	A. I think it was after I was fired.	1	A. Yes.
2	Q. Were those paid?	2	MS. DEON: I have nothing
3	A. No.	3	further.
4	Q. Why?	4	MR. SCHWARTZ: I have a couple
5	A. The case was closed.	5	questions.
6	Q. Did you object to the case being closed at	6	BY MR. SCHWARTZ:
7	anytime?	7	Q. Ms. Jungclaus, you're not a lawyer, are
8	A. No.	8	you?
9	Q. Do you claim that Mr. Garvin had anything	9	A. No.
10	to do with the case being closed?	10	Q. Did you ever go to law school?
11	A. The case was closed because of inactivity.	11	A. No.
12	Q. So Mr. Garvin had nothing to do with it?	12	Q. Have you ever read all the cases on Title
13	A. The only thing he had to do with it was the	13	V∏?
14	fact that he intimidated me to not open a claim.	14	A. No.
15	Q. So he had nothing to do with the claim	15	Q. Did you ever go to the U.S. code and look
16	being closed, correct?	16	up the terms of Title VII?
17	A. Correct. I don't think he even knew that I	17	A. No.
18	opened a claim.	18	Q. Did you ever read any of the regulations
19	Q. Did you ever request any accommodations	19	that were issued under that?
20	related to the work-related accident?	20	A. No.
21	A. Accommodations?	21	Q. Okay. Well, Ms. Deon used certain words of
22	Q. Under the ADA.	22	art, some of which I objected to, such as
23	A. No.	23	discrimination, retaliation, hostile discriminatory
24	Q. Did you have to see a panel doctor?	24	environment. Do you remember her using those terms?
	Page 86		Page 88
1	A. I went to my allergist.	1	A. Yes.
2	Q. Would the medical treatment that you got at	2	 Q. And do you have an understanding, from a
3	Waverly with the Director of Nursing, I believe,	3	legal perspective, of what those are?
4	the day of the incident?	4	A. Not from a legal perspective.
5	A. Assistant Director of Nursing.	5	 Q. Okay. So when you testified that you said
6	 Q would that have been something that you 	6	that you never went to the Board or the Human
7	would have recorded on the incident form if the	7	Resources Committee about the environment; is that
8	claim when the claim was processed?	8	correct?
9	 I believe that Theresa recorded it on the 	9	A. Yes.
10	incident report.	10	Q. Okay. But Mr. Garvin went to the Board and
11	Q. And after your separation from employment,	11	the Human Resources Committee about you, didn't he?
12	was your reasoning for reopening the claim only to	12	A. Yes.
13	get the allergist's bills paid?	13	MS. DEON: Objection.
14	A. Yes.	14	BY MR. SCHWARTZ:
15	Q. How much were the allergist's bills?	15	Q. Do you have any reason to believe that he
	A. I don't recall. It was for medication and	16	didn't say discriminatory things about you?
16	for doctor visits on a weekly basis for nebulizer	17	MS. DEON: Objection.
16 17	,	18	BY MR. SCHWARTZ:
	treatments.	1	
17	treatments. Q. Is that something not covered under your	19	Q. You can answer.
17 18	treatments. Q. Is that something not covered under your insurance?	20	A. Do I have any reason to believe that he
17 18 19	treatments. Q. Is that something not covered under your insurance? A. I don't think the nebulizer treatments are	20 21	A. Do I have any reason to believe that he said discriminatory things about me?
17 18 19 20	treatments. Q. Is that something not covered under your insurance? A. I don't think the nebulizer treatments are covered 100 percent, so yeah.	20 21 22	A. Do I have any reason to believe that he said discriminatory things about me?Q. Yes.
17 18 19 20 21	treatments. Q. Is that something not covered under your insurance? A. I don't think the nebulizer treatments are	20 21	A. Do I have any reason to believe that he said discriminatory things about me?

	Page 89		Page 91
1	when it comes to Mr. Garvin and the Board that	1	thought.
2	they're a bunch of, quote, good old boys; that	2	MS. DEON: Excuse me. Can you
3	they're the good old boys club?	3	read back about three sentences back when
4	A. Yes.	4	she was testifying in response to Mr.
5	Q. Do you know if she said that to Mr. Garvin?	5	Schwartz's question?
6	A. I'm pretty sure she did.	6	(At this time, the court reporter
7	Q. Okay. When it comes to these offensive	7	read back from the record as was
8	e-mails, okay, was there ever a time that Mr. Garvin	8	requested.)
9	stood up or the Board stood up and said Soltis,	9	BY MS. DEON:
10	knock it off	10	Q. Mrs. Jungclaus, when you responded that you
11	MS. DEON: Objection.	11	were terminated after Mr. Garvin went to the Board;
12	BY MR. SCHWARTZ:	12	my question is, what is the basis for your belief
13	Q this isn't who we are?	13	that you were terminated after Mr. Garvin went to
14	MS. DEON: Objection.	14	the Board?
15	BY MR. SCHWARTZ:	15	A. That's what he told me.
16	Q. Did that ever happen? You can answer.	16	Q. And that would have been in the meeting
17	MS. DEON: Objection.	17	when you were terminated; that's your allegation?
18	BY MR. SCHWARTZ:	18	A. Correct.
19	Q. You can answer.	19	Q. When Mr. Schwartz was asking you if you
20	A. No.	20	know case law and various legal terminology just a
21	Q. So as far as you know from this day to	21	moment ago, have you attended human resource
22	this day forward these hatemongers continue, don't	22	seminars or continuing education where those terms
23	they?	23	in the HR realm such as harassment, discrimination,
24	MS. DEON: Objection.	24	retaliation are utilized?
	Page 90		Page 92
1	BY MR. SCHWARTZ:	1	A. Yes.
2	Q. You can answer.	2	Q. And you're not sitting here telling us that
3	A. I would expect so.	3	you don't know from an HR perspective what those
4	Q. Okay. And isn't it a fact that you got	4	terms mean and what your obligations are as a VP of
5	fired after Mr. Garvin went to the Board?	5	HR to ensure compliance with the statutes that
6	MS. DEON: Objection.	6	govern discrimination, harassment, and
7	THE WITNESS: Yes.	7	anti-retaliation?
8	MR. SCHWARTZ: That's all I have.	8	A. The question that he asked me was do I understand it from a legal standpoint; I understand
1	DV MO DEOM.	9	understand it from a legal standbollif. I understalld
9	BY MS. DEON:	1	
10	Q. Is the basis for your belief that Mr.	10	it from an HR standpoint.
10 11	Q. Is the basis for your belief that Mr. Garvin went to the Board the conversation you had	11	it from an HR standpoint. Q. Okay. That's what I was asking.
10 11 12	Q. Is the basis for your belief that Mr. Garvin went to the Board the conversation you had with him on the day you were terminated?	11 12	it from an HR standpoint. Q. Okay. That's what I was asking. MS. DEON: I have nothing
10 11 12 13	Q. Is the basis for your belief that Mr.Garvin went to the Board the conversation you had with him on the day you were terminated?A. I'm sorry	11 12 13	it from an HR standpoint. Q. Okay. That's what I was asking. MS. DEON: I have nothing further.
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KATHLEEN M. JUNGCLAUS

Page 93 CERTIFICATION I, MICHELLE C. MacARTHUR, Certified Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of the stenographic notes taken by me in the aforementioned matter. The state of the stenographic state of the stenographic state of the state			
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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN M. JUNGCLAUS

٧.

NO. 17-cv-04462-RK

Plaintiff

Jury Trial Demanded

WAVERLY HEIGHTS, LTD., THOMAS P. GARVIN and JOHN and JANE DOES NUMBERS 1-21

_ . .

Defendants

PLAINTIFF'S RESPONSES TO DEFENDANT, WAVERLY HEIGHTS, LTD'S REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF, KATHLEEN M. JUNGCLAUS

Plaintiff Kathleen M. Jungclaus Response to Defendant Waverly Heights LTD's request for documents is as follows;

1. Any and all documents identified in Plaintiff's Responses to Defendant's First Set of Interrogatories. The documents should be reasonably marked and separated so as to indicate the Interrogatory response in which each document was identified.

Answer: As included herewith.

2. All versions of your resume and/or curriculum vitae for the last five (5) years.

Answer: See attached P-1 through P-4.

Any and all documents in Plaintiff's possession that relate to any position Plaintiff has held (if any) since September 2016 as an employee, independent contractor or otherwise, including but not limited to Plaintiff's hiring or engagement (i.e. offer letter, application), salary, conditions of engagement/employment, ability to receive bonus or other compensation over and above base salary, performance evaluation(s), job duties (i.e. job description of other writing), potential for increased salary, promotional opportunities, vacation/personal days provided and other benefits currently provided (medical, dental and/or vision insurance, 401-K,

disability insurance) or available after completion of probationary period or other conditions and consulting agreements.

Answer: None

4. All documents that support the claims Plaintiff advances in the Amended Complaint.

Answer: See both Plaintiff's and Defendant's Responses to Discovery, including that provided here.

All applications, communications, contracts, letters, agreements, job descriptions, handbooks, and other related or similar materials or documents, regarding any jobs or positions regarding which you have applied for employment, or been employed since September 2016.

Answer: See #6 below.

6. A copy of each and every resource (i.e. newspaper classifieds or other Job Search periodical) utilized by Plaintiff to locate alternative work from September 2016 through the present.

Answer: See attached P-5 through P-9. Resume also on Zip Recruiter and Indeed.com.

Any and all documents related to services applied for and/or provided on behalf of any temporary agencies since September 2016, including but not limited to applications, notes, documentation from placements made, check stubs, 1099 forms, etc.

Answer: See #7.

8. Any and all documents that identify or reference any of the financial losses or any other non-economic damages allegedly sustained by the Plaintiff as a result of the claims set forth in the Amended Complaint.

Answer. Plaintiff is collecting information documenting financial losses which will include 1099's received, as well as medical bills. Defendant is in possession of her pay records.

9. Any and all personal records, journals, calendars, photographs, diaries, notes, tapes, or records of any kind maintained by Plaintiff that refer or relate to the allegations contained in her Amended Complaint.

Answer: Plaintiff will provide such personal diaries and notes as she has pertinent to this request.

10. Any and all documents that support, undermine, relate to, or otherwise form the basis for the allegations made in the Amended Complaint.

Answer: See responses herein, including #4.

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- Any and all documents, memoranda, notes, or other similar documentation, which relate to, support, or refer to any party admissions with respect to the subject matter of this lawsuit.
 - Answer: Objected to as calling for a legal conclusion. Notwithstanding, Plaintiff is providing virtually all documents in her possession responsive to these requests.
- 12. Copies of all medical reports, medical records, and communications with any types of medical care providers, including but not limited to psychologists, psychiatrists, mental health counselors, medical doctors, physicians, and any of their staff, and all related documentation: related to, referencing or relevant to the medical and psychiatric conditions you claim to suffer from and that in any way relate to your claim for emotional distress and/or pain and suffering, as identified in the Amended Complaint.

Answer: Plaintiff is in the process of getting this information from the following sources:

- Dr. Ku Allergist who treated Plaintiff after the attic incident
- Dr. Saull, examined Plaintiff noticing immensely high blood pressure immediately following the unemployment hearing.
- Dr. Tom Hanley prescribed Lorazipam for stress and Ativan for sleep. He also prescribed emergency blood pressure medication the day of the unemployment hearing and thereafter ongoing medication.
- Dr Rhoda Fuchs Morton is a psychologist treating for stress and post-traumatic stress disorder after her termination from employment
- 13. Provide a copy of each and every document you intend or utilize in any manner or fashion or to introduce into evidence at the trial of this case.

Answer: This is objected to as being overbroad as it refers to "utilize in any manner." Notwithstanding, Plaintiff is undecided as of yet.

14. Provide a copy of any and all documents concerning application for unemployment compensation (if any), including but not limited to the Interview Summary, Application for Benefits and copies of all communications with the Job Center.

Answer: Defendant should be in possession of all of this information which Defendant has claimed is "privileged" and irrelevant to this proceeding.

15. A copy of any and all documents submitted to the PHRC/EEOC during the course of the administrative investigation.

Answer: Defendant should be in possession of this information which can be requested from the EEOC /PHRC.

- 16. Copies of Federal Tax Returns filed by Plaintiff, individually and/or jointly, for the tax years ending 2016 through present. Should Plaintiff's counsel require a confidentiality agreement before producing the same, Defense Counsel will review the proposed Confidentiality Agreement sought.
- Answer: This is objected to as being overbroad given the fact that Defendant is in possession of her earnings up to termination. As to proof of earnings subsequent thereto, Plaintiff will provide 1099's and/or other evidence of income. Plaintiff's husband's tax return information on their joint return is irrelevant to these proceedings.
- 17. All photographs, video reproductions, video recordings, audio recordings, pictures, drawings, maps, plans, diagrams, sketches, computations, calculations or other similar information in your possession or in the possession of your agents, representatives or attorney, which relate to, depict, or memorialize any facts, circumstances or events related to Plaintiff's Amended Complaint.

Answer: See attached P-10 through P-53.

18. Any and all documents Plaintiff contends support her position in this lawsuit, not already produced as part of Plaintiff's Initial Disclosure (Self-Executing Disclosure).

Answer: These documents include those produced here and provided in discovery by both parties.

19. All documents, materials, reports, letters, e-mails, testing results, medical records, or similar or related documents, related to your treatment with and/or evaluation for any physician, psychologist, psychiatrist, mental health counsel, and/or their staff, regarding any condition or complaint that you claim you suffer from in the Amended Complaint.

Answer: See previous responses to this duplicative response.

20. A copy of any and all medical documentation that supports Plaintiff's alleged damages.

Answer: See previous responses to this duplicative response.

21. All written statements, transcriptions of recorded statements, and written notes or records or summaries of any kind of any oral statement made by any party and/or witness (lay or expert) or the agents, servants, workers and/or employees of the parties or witnesses relating to matters at issue in this case, that are not protected by any privilege.

Answer: See attached email from Tom Wozniac and Andrea Jones P-54 through P-59.

22. For any and all witnesses that you have identified in this case, copies of any and all documents, materials and information that any of these witnesses have in support of the allegations in the Amended Complaint or writings you or your counsel transmitted or exchanged with said witnesses.

Answer: None

23. Copies of all reports of experts to be used at the trial of this matter.

Answer: None as of yet.

24. A copy of any and all documents provided to any expert considered and/or retained by Plaintiff to render an expert opinion on her behalf.

Answer: None as of yet.

25. All documents or similar materials identified in and requested in Defendant's Interrogatories, accompanying this Request for Production of Documents.

Answer: As provided herewith.

26. Copies of any and all documents that support your allegation(s) related to reporting discrimination on your behalf or on behalf of others while employed by Waverly.

Answer: Plaintiff has not other documents than those provided. Reference is made to Defendant's discovery responses.

27. Copies of any and all emails you claim constituted discrimination and/or harassment/hostile work place by Waverly employees, agents or third parties that support Plaintiff's claims.

Answer: Aside from what Plaintiff has produced Defendant is in possession of these documents which are herewith requested by Plaintiff. Do not have access to those emails.

October 30, 2018

By:/s/ Mark D. Schwartz_ Mark D. Schwartz, Esquire Attorney for Plaintiff Kathleen M. Jungclaus

Kathleen M. Jungclaus

1129 Mill Road Circle Rydal Pa, 19046 215-758-2724 home 215-630-3094 cell

1997 - present

Human Resource professional with broad background in health care environments. More than 20 years background in increasingly responsible positions. Creative and resourceful problem solver with proven track record for the attainment of positive financial outcomes, excellent customer service scores, staff training and development, project and program development.

Recognized strengths include:

Leadership Skills Redesign Strategies Strategic Planning

Fiscal Management Organizational Development **Customer Service**

Training Development Staff Development **Employee Relations**

Professional experience

Waverly Heights, Ltd.

Gladwyne, Pa.19035

Vice President, Human Resource

- Contribute to the organizational development through short term and long range planning.
- Program development that enhances the work environment and the services provided to our residents.
- Coordinate health, dental, life, unemployment, worker's compensation, STD, LTD, FMLA and ADA
- Successful recruiting of entry level through executive level staff by an effective screening, interviewing and hiring process.
- Responsible for the recruitment and retention initiatives that have resulted in a 9% turnover rate.
- Maintain a financially stable organization by managing department, facility and capital budgets.
- Develop and implement policies and procedures that coincide with the employee handbook and company standards.
- Develop, organize and implement training and orientation programs for all staff.
- Maintain growth in the area of performance improvement through various tools.
- Ensure compliance with all Local, State, Federal and OSHA regulations
- Sitting Board Member to Churchill, a self-funded Captive Insurance Program for worker's compensation
- Direct all employee relation's issues and guide managers in effective coaching and disciplinary actions.
- Responsible for the overall morale and teamwork of employees throughout the facility.
- Responsible for the compensation system, annual review of job descriptions; pay grade placement and accurate evaluation system.
- Direct report to the President and Human Resource Committee of the Board of Trustees.
- Acting Risk Manager
- Successfully attained recognition as a "Best Place to Work" in Pa. 2011, 2012, 2013.
- Acquiring Nursing Home Administrators License.

Northwestern Human Services

1995 - 1997

Erdenbeim, Pa

Human Resource Director

- Overseeing 650 employees in a statewide children's program.
- Coordination of all benefits.
- Effectively recruit, interview and select qualified candidates throughout the state.
- Program and fiscal accountability for all county locations.
- Writing and implementing company policies and procedures.
- Organized, scheduled and conducted personnel training, orientations, OSHA training and Mendit Crisis Intervention Training to all staff in thirteen counties in Pennsylvania.

P-1

Responsible for overall morale, teamwork and employee relations function throughout the state.

Bayada Nurses

1985 - 1993

Philadelphia and Willow Grove, Pa.

Senior Staff Supervisor

Staff Supervisor

- Supervised all office personnel and office functions.
- Recruited, scheduled and supervised all home care staff.
- Directed and implemented all disciplinary actions.
- Responsible for payroil through ADP system, insurance billing and authorizations.
- Prepared for JCAHO accreditation.
- Maintained contract guidelines and customer relations.

Education

Gwynedd Mercy College Gwynedd Valley, Pa.

BA. In Psychology

Minor in Education/ Community Services

Member: SHRM, Personnel Professional Network

References

Professional and personal references are available upon request.

P-2

Kathleen M. Jungclaus

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Fiscal Management Organizational Development Customer Service

Training Development Staff Development **Employee Relations**

Professional experience

KMJ Consulting

Catelli Brothers Inc.

5/2017 -5/2018

- Developed Corporate Mission Statement and Strategic Departmental Goals and reporting process.
- Through employee engagement meetings identified areas of opportunity that would reduce turnover and enhance the employee experience.
- Provided direction for the development of a pay matrix to ensure compensation matched length of service and job skill.
- Communicated, trained, and interpreted human resource policies and procedures to establish uniform understanding.
- Interacted with the client to understand and gather requirements for enhancements, analyzed the need and proposed solutions.
- Provided specialized project administration including; analyzing data, in-depth research, evaluation and recommendations to management on department projects.
- Created corporate job description database.
- Served as liaison and advised management regarding legal, ethical and moral disciplinary and termination practices.
- Provided employee relations and retention services.
- Served as liaison with assigned areas to coordinate the HR needs including, staffing and succession planning, employee relations, consolidations and divestitures, information dissemination and policy review.
- Counseled employees in areas relating to manager-employee as well as peer-peer relationships, work-life balance, and organizational procedures and policies

Waverly Heights, Ltd.

4/1997 - 9/2016

Gladwyne, Pa.19035

Vice President, Human Resource

- Contribute to the organizational development through short term and long-range planning.
- Program development that enhances the work environment and the services provided to our residents.
- Coordinate health, dental, life, unemployment, worker's compensation, STD, LTD. FMLA and ADA benefits.
- Successful recruiting of entry level through executive level staff by an effective screening, interviewing and hiring process.
- Responsible for the recruitment and retention initiatives that have resulted in a 9% turnover rate.

- Meintein a financially stable organization by managing department, facility and capital budgets.
- Develop and implement policies and procedures that coincide with the employee handbook and company standards.
- Develop, organize and implement training and orientation programs for all staff.
- Maintain growth in the area of performance improvement through various tools.
- Ensure compliance with all Local, State, Federal and OSHA regulations
- Sitting Board Member to Churchill, a self-funded Captive Insurance Program for worker's compensation
- Direct all employee relation's issues and guide managers in effective coaching and disciplinary actions.
- Responsible for the overall morale and teamwork of employees throughout the facility.
- Responsible for the compensation system, annual review of job descriptions; pay grade placement and accurate evaluation system.
- Direct report to the President and Human Resource Committee of the Board of Trustees.
- Acting Risk Manager
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- Directed and implemented all disciplinary actions.
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Minor in Education/ Community Services

Member: SHRM, Personnel Professional Network

P-4

This application includes features that require <u>JavaScript</u> be enabled for your Web browser. Theseinclude printing, column sorting, the date picker calendar, context sensitivehelp, spell checking, and others. In most instances, comparable functionality is provided. If you choose not to enable JavaScript, please <u>review our accessibility statement for details about comparable features</u> that do not depend on JavaScript. If further assistance is needed, submit a <u>support request</u> or, contact the appropriate <u>service location</u> near you to obtain our services.

PA CareerLink

Search	Jobs	
	Search	
	Browse for Jobs by Cate	gory

Saved Jobs

Currently no Saved Jobs.

Inbox

You do not have any messages at this time.

Announcements

- You do not have any notifications at this time.
- Hi Kathleen!

My Account

- Personal Information
- My Preferences
- Change Password
- Change Hint O & A
- Log Out
- CWDS
- My Job Search
 - Mv PA CareerLink[®] Resume
 - · Resume List
 - Search Jobs
 - Saved Searches
 - · Saved Jobs
 - Job Applications
 - Job Search Activities

- · Browse for Jobs by Category
- · Events
 - · Search Events
 - My Calendar
- Career Services
 - Veteran Services
 - · Career Resources
 - · Career Tools Overview
 - Skills Assessment
 - Career Videos
 - Career Exploration
 - Interview Training
 - Military Translator
 - · Training Opportunities
 - Programs and Services
- About Us
 - Accessibility
 - Contact Us
 - Privacy Policy
 - Security Policy
 - Terms Of Use
 - About Us
- Help
 - · Help Center
 - · Feedback
 - · Account Benefits
 - · PA CareerLink® Offices
 - · Sitemap
- Español

Hi Kathleen!

- My Inbox (0)
- Announcements (0)
- · Saved Jobs (0)
- Personal Information
- My Preferences
- · Change Password
- Change Hint Q&A
- · Log out

menu

- My Dashboard
- · My Job Search
 - My PA CareerLink® Resume
 - Resume List
 - · Search Jobs
 - · Saved Searches

- · Saved Jobs
- Job Applications
- Job Search Activities
- Browse for Jobs by Category
- Events
 - Search Events
 - My Calendar
- Career Services
 - Veteran Services
 - Career Resources
 - Career Tools Overview
 - Skills Assessment
 - Career Videos
 - Career Exploration
 - Interview Training
 - Military Translator
 - Training Opportunities
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 - Terms Of Use
 - About Us
- Help
 - Help Center
 - Feedback
 - Account Benefits
 - PA CareerLink® Offices
 - Sitemap
- Provide Feedback
- Español
- CWDS

My Job Search Activities

Sep 30, 2016 - Oct 30, 2018

Activity Summary - click on an activity box below to view details

Applications	Job Websites Visited	# Of Days With a Job Search	Employers Contacted	Job Fairs Attended
09	29	17	00	00

Networking	Resume Posted To Other Websites	Other Activities	Civil Service / Pre-Employment Tests	All Activities
	Odici Weesives		Completed	
00	00	00	00	55

Add New Activity

Job Search Activity Details - All Activities for Sep 30, 2016 - Oct 30, 2018

Showing 1 - 25 of 57

First First Previous Previous | Next Next Last Last results

Date	Activity Type	Activity Detail	Follow Up Date	Actions
10/4/2018	Job Website Visited	Executive Director/Vice President, Human Resources Business Partner - (JF12501212)		Mark As Applied
10/4/2018	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		
10/4/2018	PA CareerLink® Job Preference	Became available for Employers		
3/8/2017	Job Website Visited	Director Human Resources - (JF10824884)		Mark As Applied
3/8/2017	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		
3/8/2017	Job Website Visited	Human Resources Administrator - (JF10844682)		Mark As Applied
2/23/2017	Job Website Visited	Human Resources Business Partner - (JF10790620)		Mark As Applied
2/6/2017	Job Website Visited	Vice President Human Resources - (JF10791631)		Mark As Applied
1/30/2017	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		
1/10/2017	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		
1/10/2017	Job Website Visited	Vice President - (JF10669788)		Mark As Applied
11/23/2016	PA CareerLink [®] Job Application	Senior Human Resources Generalist - 50882372 - (10583171) - Not Hired		
11/23/2016	Job Website Visited	Human Resources Coordinator Csa - (JF10654566)		Mark As Applied
11/23/2016	Job Website Visited	Human Resource Generalist - (JF10640991)		Mark As Applied
11/23/2016		Searched for jobs in PA CareerLink®		

	PA CareerLink [®] Job Search			
	PA CareerLink [®] Job Application	Assistant Vice President, Talent & Development - 311317 - (10548647) - Not Hired	E 1-1-1	
	PA CareerLink® Job Application	Human Resources Generalist 691452 - (10509395) - Not Hired		
10/17/2016	PA CareerLink® Job Application	Human Resources Business Partner - (10506634) - Not Hired		
10/17/2016	PA CareerLink® Job Application	Human Resources Generalist - (10506641) - Not Hired		
10/24/2016	PA CareerLink® Job Application	Sr Mgr Diversity & Inclusion - 201377-00160 - (10506787) - Not Hired		
10/19/2016	PA CareerLink® Job Application	Senior Human Resources Advisor Business Consultant - (10504968) - Not Hired		
10/10/2016	PA CareerLink® Job Application	Vice President-Corporate Human Resources - 50878308 - (10504771) - Not Hired		
11/4/2016	Job Website Visited	Human Resources Business Partner - (JF10618165)		Mark As Applied
11/4/2016	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		
10/26/2016	PA CareerLink® Job Search	Searched for jobs in PA CareerLink®		

First First Previous Previous | Next Next Last Last

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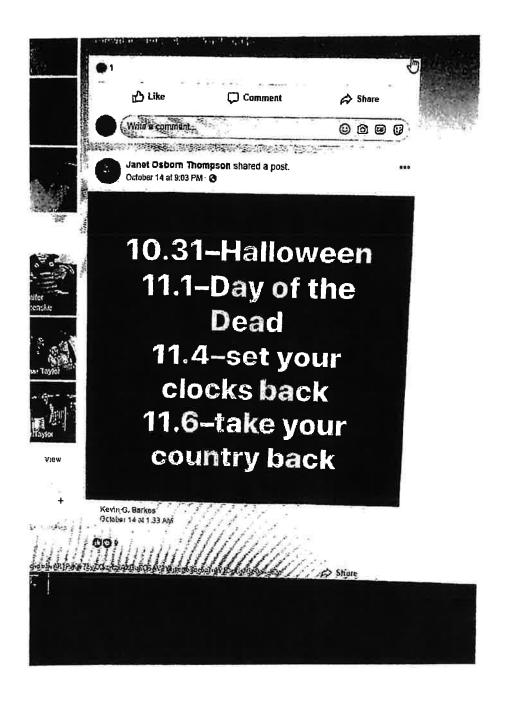
Governor Tom Wolf

Pennsylvania Footer

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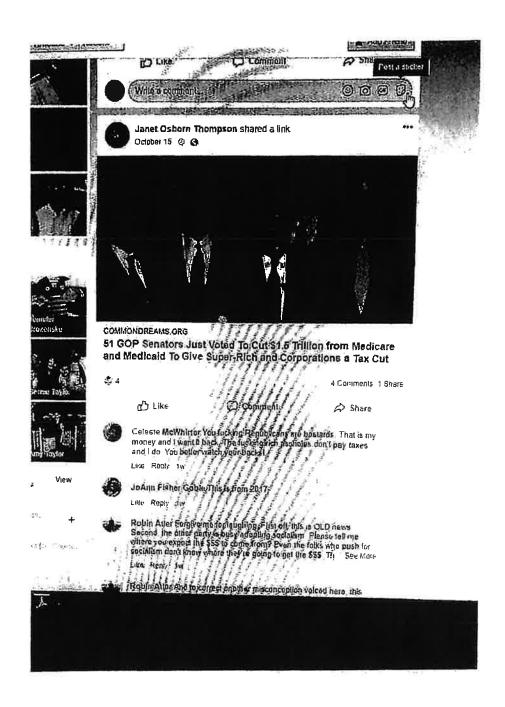
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Database Environment: Database Instance
Build Timestamp: 10/12/2018 3:37:46 PM
JobActivitySummary.aspx [SSR Number 800]

Current Date: 10/30/2018 3:03:33 PM







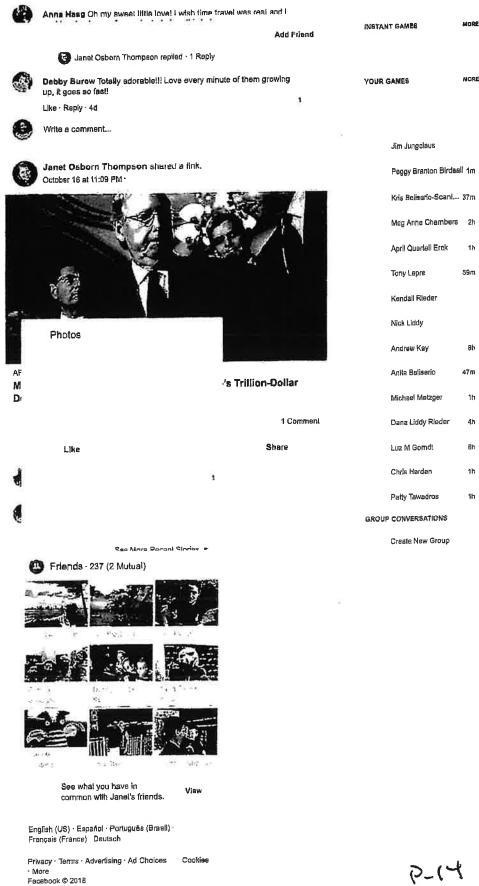


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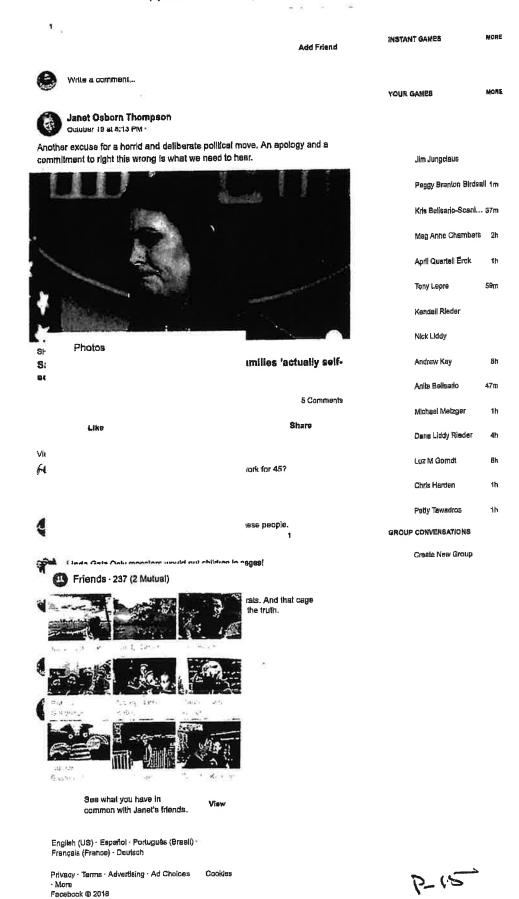
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Kevin Billio

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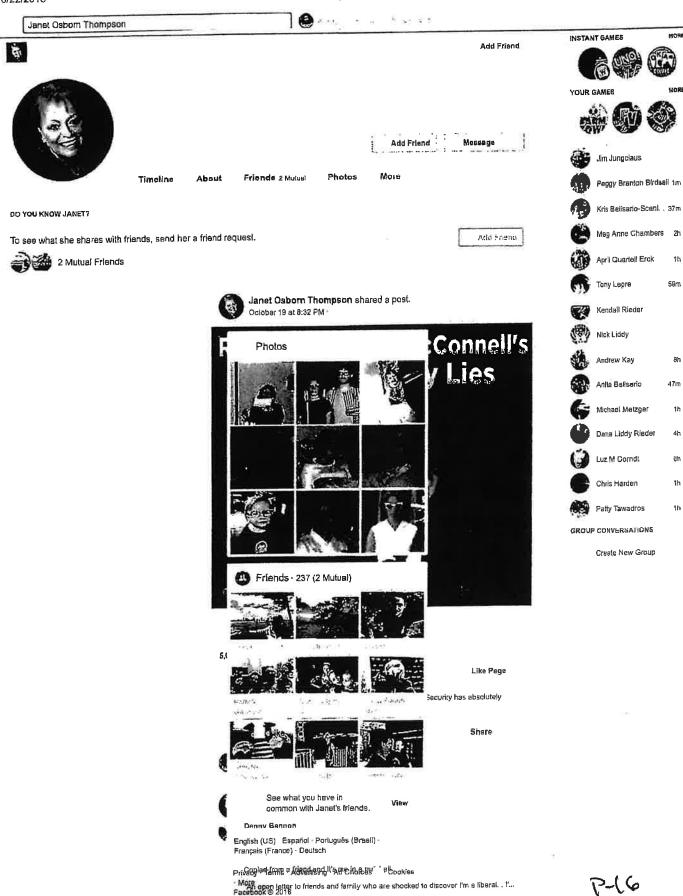
(4) Janet Osborn Thompson



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(4) Janet Osborn Thompson



Kevin Bilig

See More

10/22/2010

E

(4) Janet Osborn Thompson

PROOF THAT FVFRY SUBSTANTIAL

Add Friend

INSTANT GAMES

Jim Jungclaus

Peggy Branton Birdsall 1m

Kris Belisario-Scani... 37m

Mag Anne Chambers 2h

April Quartell Erck

Tony Lepre

Nick Liddy

Andrew Key Anita Belisario Michael Metzger Dana Llddy Rieder

Luz M Gorndt Chris Harden Petty Tewadros GROUP CONVERSATIONS Create New Group

Kendall Rieder

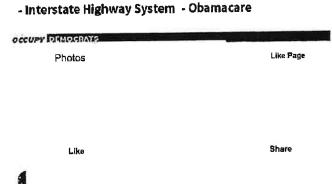
YOUR GAMES

59m

HAS BEEN INITIATED BY LIBERALS AND OPPOSED BY CONSERVAT

- The American Revolution
- Abolition of slavery
- The eight-hour workday
- Ending child labor
- Federal minimum wage
- Overtime pay
- The weekend
- Women's right to vote
- Unemployment Insurance Universal public schools

- Pell grants
- National parks system
- Civil Rights Act
- Voting Rights Act
- Social Security
- Medicare
- Clean Water Act
- Clean Air Act





See what you have in common with Janet's friends. Like

9 Comments

Share

English (US) - Español - Português (Brasil) Français (Franco) Deutsch rivery - Terms - Advertising - Ad Choices More - Reply - 40 book @ 2018 Dione Schorer Derescavage What a cutie! Like - Reply - 4d

P-17

3/4

Janet Osborn Thompson





Add Friend |

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MORE



INSTANT GAMES













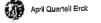
Jim Jungclaus









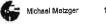














4h



Create New Group

GROUP CONVERSATIONS



Timeline

About

Friends 2 Mutual

Photos

Janet Osborn Thompson shared a post.

More

DO YOU KNOW JANET?

To see what she shares with friends, send her a friend request.



2 Mutual Friends





Friends - 237 (2 Mutual)





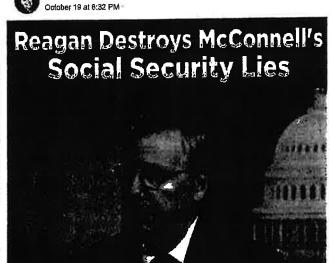


See what you have in

common with Janet's friends.

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5,079,519 Views

U.S. Senetor Bernte Sandere October 18 at 1:47 PM =

Like

Write a comment...

Like Page

Ronald Reegan has a message for Milich McConnell: Social Security has absolutely nothing to do with the deficit, via Social Security Works

Comment





Janet Osborn Thompson shared a post. October 19 at 6:20 PM

Denny Bannon October 19 at 8:05 PM

Thenks for sharing Susan.

Copied from a friend and it's me in a nutshell

"An open letter to friends and family who are shocked to discover I'm a liberal... I'...

See More

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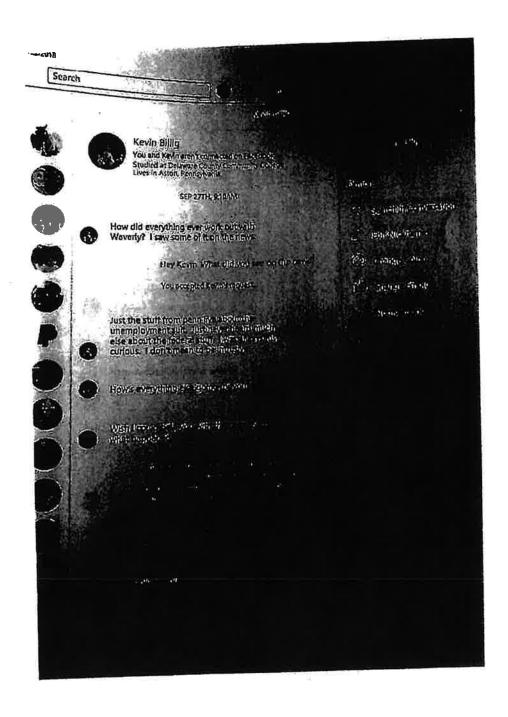
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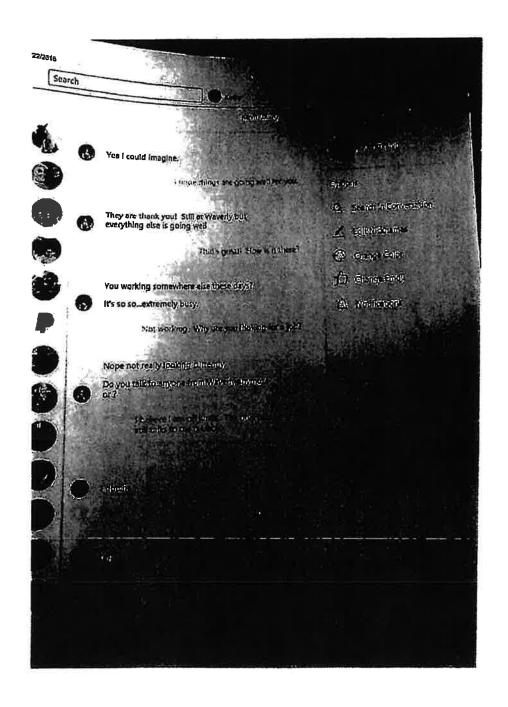
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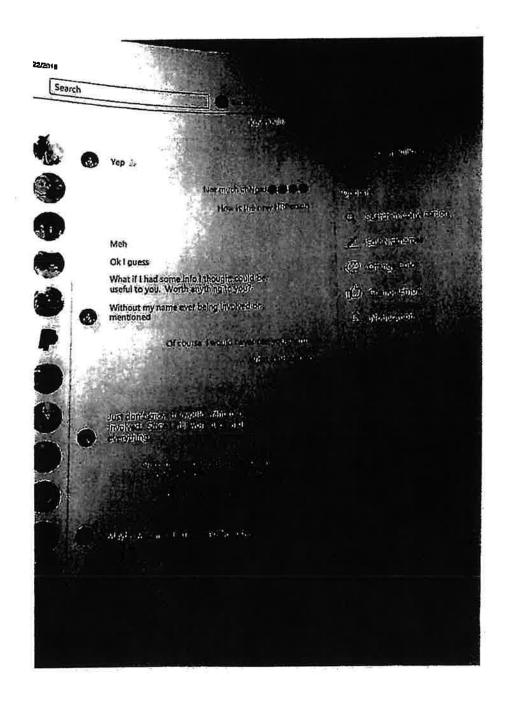
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				Luz M Gomdt	đh
	€			Chris Harden	1h
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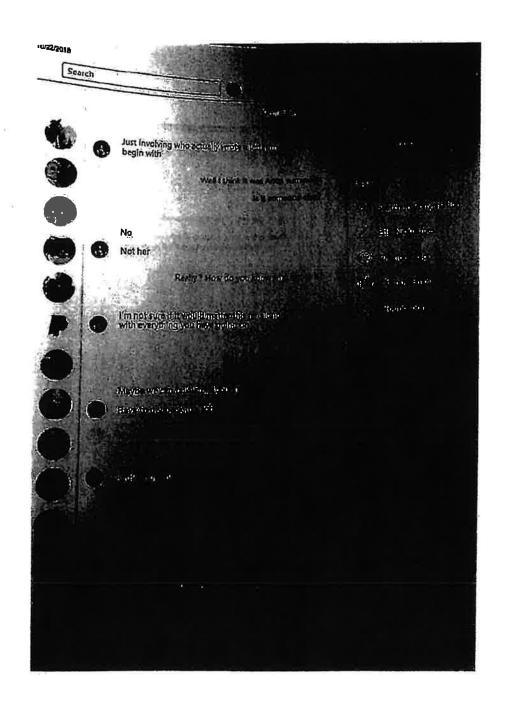
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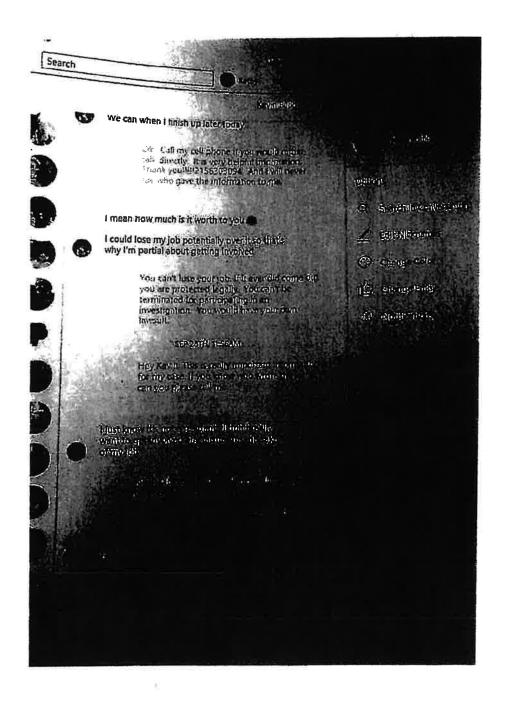
Create New Group

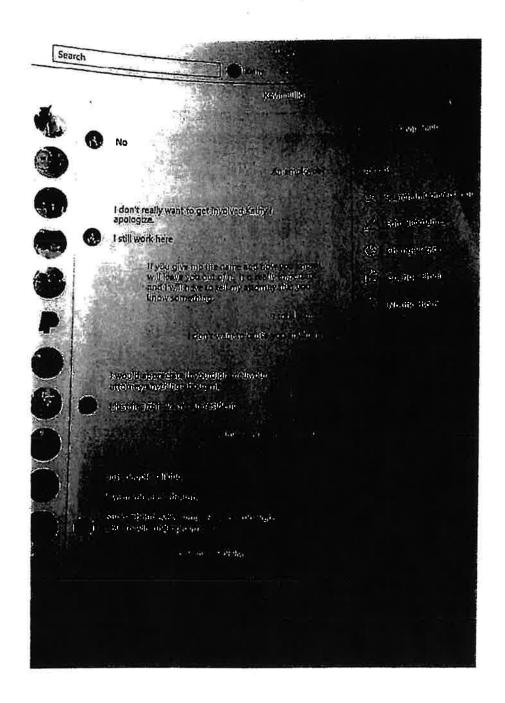












IMG_0689.PNG

• Verizon LTE

7:58 PM

4 \$ 97% ===



Messages









Dave

Colleen

Bill

Natalie



Kevin Billig
Kevin sent a disappearing message.

7:57 pm



Kevin Billig

Sucks about ever Hime



Anna Leigh

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Peggy Branton Birdsall

Pagey sent a sticket.



USAA



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• Verizon LTE

7:58 PM

4 \$ 97% ■■



Kevin Billig

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Secret Conversation

With Kevin Billig

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IMG_0691.PNG 10/28/2018 **→** \$ 97% ■ 8:33 PM Verizon LTE Messages Mark Brad Colleen Peggy 8:24 pm **Kevin Billig** Kevin sent a disappearing message. Kevin Billig Anna Leigh sone i masala a bay - de latença est el se - 🗥 Peggy Branton Birdsall Total users a stake Mary Lynott Meg Anne Chambers Theologicalizations 💜 to contribute 🕶 Tony Lepre

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Kevin Billig



Secret Conversation

With Kevin Billig

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You didn't see what I sent you?



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2-29

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Verizon LTE

10:22 PM







Messages











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Kevin Billig Kevin sent a disappearing message.





Kevin Billig





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Peggy Branton Birdsall





Brooklinen







...Verizon LTE

10:22 PM

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✓ Home

Kevin Billig Mit - SC Ligh



Secret Conversation

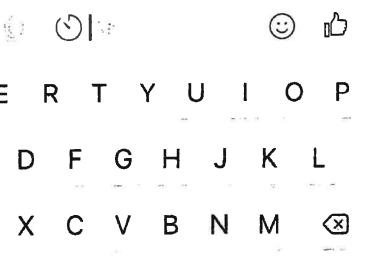
With Kevin Billig

Energy led end-forced across all roomactivit mebile de /ices

No



I'm sure for the right compensation you could find out everything..





X

space

return

Female exec fired after making pro-Trump tweet hits back against employer in U.S. court ...

www.pennlive.com > 2017/11

Nov 14, 2017 · Kathleen Jungclaus, who won an unemployment compensation case against her former company on Monday, claims she is the victim of age discrimination and defamation.

Exec fired for pro-Trump tweet can't be denied unemployment comp, Pa. court says ...

www.pennlive.com > 2017/11

Nov 13, 2017 · Kathleen Jungclaus' tweet didn't directly link her to her employer and so didn't violate the firm's social media policy, the Commonwealth Court judges found.

Kathy Jungclaus - Employee Relations and Engagement Specialist - KMJ Consulting ... https://www.linkedin.com - kathy-jungcl...

Jenkintown, Pennsylvania · Employee Relations and Engagement Specialist · KMJ Consulting View Kathy Jungclaus' profile on



fired over pro-Trump tweet - Reuters

this://www.reuters.com, article

Nov 13, 2017 · A unanimous three-judge panel of the Commonwealth Court of Pennsylvania said Kathleen Jungclaus did not violate Waverly Heights Ltd's social media policy when she sent out the tweet ...

IN THE COMMONWEALTH COURT OF PENNSYLVANIA Waverly Heights, Ltd ...

PDF www.pacourts.us > Commonwealth > out

Nov 13, 2017 · order of the Unemployment Compensation Board of Review (Board), which reversed a decision of a referee and granted unemployment compensation (UC) benefits to Kathleen M. Jungclaus ...

Kathleen Jungclaus's email | Vice President Human Resources @ Waverly Heights Ltd ... https://www.leadcandy.io https://www.leadcandy.io kathleen-jung...

Find Kathleen Jungclaus's Email, Social Profile links, and the Mutual Contacts you and Kathleen both know. Email: xxxx@waverlyheightsltd.org | Show email, social profile links and mutual contacts | Leadcandy.io.

Nov 16, 2017 · Kathleen M. Jungclaus was VP of Human Resources for Waverly Heights, a retirement home located in a Philadelphia suburb. On July 24, 2016, she tweeted (from a Twitter account I couldn't find, ...

VP of HR fired for a Trump tweet still manages to collect unemployment benefits — The ...

† https://www.theemployerhandbook.com • ...

Nov 14, 2017 \cdot Back in 2016, Kathleen M. Jungclaus was the full-time Vice President of Human Resources for a Pennsylvania continuing care retirement community. She had worked for the company ...

Kathleen Jungclaus | 53 records found | ... https://www.whitepages.com > name > K...

53 records · 53 records - View phone numbers, addresses, public records, background check reports and possible arrest records for Kathleen Jungclaus.

Whitepages people search is the most trusted directory.

More results

Unemployment Compensation Benefits ... https://www.lexology.com · library · detail

Dec 4, 2017 · Until her termination, Kathleen Jungclaus had served as the vice president of human resources of a retirement care community for nearly 20 years. Ms. Jungclaus was terminated when she posted a ...

HR Exec's Tweet to Trump Not Grounds to Deny UC Benefits, Court Rules | The Legal ... https://www.law.com > sites > 2017/11/15

Nov 15, 2017 · ... on social media, a unanimous threejudge panel of the Commonwealth Court upheld the Unemployment Compensation Board of Review's decision to grant UC benefits to Kathleen M. Jungclaus.

Waverly Heights named Best Place to Work in PA | Mainlinetimes | mainlinemedianews.com | www.mainlinemedianews.com | life | wa...

Jan 6, 2014 - Pictured with the award are: Thomas P. Garvin, president and CEO; Kathleen Jungclaus, director of Human Resources; and Edwin B. Mahoney, chairman of the Board of Trustees. Waverly ...

Jungclaus V Waverly Heights Ltd Et AI - UnlCourt https://unicourt.com - case - pc-db1-jun...

Oct 7, 2017 - (#1) COMPLAINT against THOMAS P. GARVIN, WAVERLY HEIGHTS LTD (Filing fee \$ 400 receipt number 166934.), filed by KATHLEEN M. JUNGCLAUS. (Attachments: #1 Exhibit, #2 ... You visited this page on 3/24/18.

Trump Tweet Doesn't Disqualify Manager From Getting Unemployment | Bloomberg Law https://www.bna.com - trump-tw...

Nov 14, 2017 · Kathleen M. Junglcaus, vice president of human resources at a retirement community near ... of Review, which found that Jungclaus hadn't violated the company's social media policy ...

Court Rules That Pro-Trump Tweeter Can Keep Unemployment Benefits | 501c Agencies Trust https://www.501ctrust.org > court-rules-t...

Nov 14, 2017 · The employee in the case is Kathleen Jungclaus, the former human resources director of the Pennsylvania senior day care center, Waverly Heights. Jungclaus was fired in September of 2016 after ...

MCLaugniin & Marcus, H.A. - JDSupra www.idsupra.com : legalnews : trump-t...

Dec 12, 2017 · Kathleen Jungclaus worked full-time as vice president of human resources for a retirement community. In July 2016, she sent the following from her personal Twitter account: "@realDonaldTrump I ...
You visited this page on 3/24/18.

Kathleen Jungclaus, Vice President of Human Resources at Waverly Heights Ltd ... https://relationshipscience.com · person

RelSci Relationships are individuals Kathleen Jungclaus likely has professional access to. A relationship does not necessarily indicate a personal connection. Scott M. Jenkins. Vice Chairman at Waverly Heights Ltd.

Court notes 9/25/13 - Courts/Police - Citizens' ... m.citizensvoice.com > news > courts-police

Sep 25, 2013 · Barbara S. Ziemian and Joseph A. Ziemian to Raymond A. Jungclaus and Kathleen M. Jungclaus for \$379,000; Black Creek Township. Bernadette Hlavac to Brian Breznay and Helene Breznay for ...

Mount Laurel Police Department

POLICE BLOTTER:

BURGLARY: During the overnight hours of August 11th into the 12th a shed and a detached garage were entered at two different residences on the 100 block of Independence Lane. A set of bolt cutters was stolen from the garage and damage was done to the shed.

THEFT: A bicycle was reported stolen from the 4900 building of Essex Lane during the early morning hours of August 12th. The bicycle was located on a path behind the 3300 building of Chadbury Road at 8:45am on August 12th. The bike was returned to the owner. CRIMINAL MISCHIEF: A resident of the unit block of Holly Cove reported his vehicle was vandalized between August 11th and August 12th. Someone scratched the vehicle with a sharp

ARREST: At 8:33 pm on August 12th Mount Laurel Police responded to a hotel on the 1100 block of object. Route 73 for a disturbance. During the investigation officers arrested Kashief J. White, age 32, of Camden, NJ. He was charged with possession of cocaine, possession of prescription drugs, and possession of drug paraphernalia. He was released pending a court hearing.

ARREST: At 7:14 pm Mount Laurel Police responded to a hotel on the 600 block of Fellowship Road for a disturbance. During the investigation officers arrested Christina N. Tirocke, age 21, of Mount Laurel. She had two outstanding warrants and was in possession of drug paraphernalia. She was charged with possession and released after satisfying her warrants.

CRIMINAL MISCHIEF: At 10:30 pm on August 14th Mount Laurel Police responded to the McDonalds on Route 73 for a criminal mischief. It was reported that three females in their 20's got into a dispute with the restaurant staff. The customers were upset that they were charged 40 cents for extra sauce on their order. They threw newspapers at the staff and knocked over a cement trash can as they left. The trash can, valued at \$200.00 broke, when it hit the ground. The suspects could not be located.

ARREST: At 2:15 am on August 14th Mount Laurel Police conducted a motor vehicle stop on Route 73 near Rogers Walk. During the stop officers arrested Javier A. Alvarez, age 35, of Philadelphia PA and Noel Fernandez, age55, of Philadelphia, PA after officers observed drug in the vehicle. Alvarez was charged with possession of greater than 5 units of prescription legend drugs (suboxone) and possession of less than 50grams of marijuana. He also had an active arrest warrant. His bail was set at \$8,500.00 with no 10% option. Fernandez was charged with possession of less than 50 grams of marijuana, possession of heroin, possession of cocaine, and possession of drug paraphernalia. His bail was set at \$13,500.00 with no 10% option. Both subjects were committed to Burlington

CRIMINAL MISCHIEF: The manager of a hotel on the 900 block of Route 73 reported that a guest caused over \$1,200.00 damage to a room on August 16th. There were indications that the guest used a fraudulent name and credit card to rent the room. Investigation ongoing.

RECEIVING STOLEN PROPERTY: An investigation determined that item stolen during a residential burglary in Maple Shade were pawned at the Game Stop on Nixon Drive. The suspect was identified as Paul F. Scattergood Jr., age 24, of Maple Shade, NJ. He was charged with receiving stolen property with bail set at \$30,000.00 no 10% option. He was served the warrant at the Burlington County Jail where he was being held on related charges.

ARREST: In February 2016 a representative of the Jaguars Hockey Booster Club reported that they suspected a board member was stealing money from the club. The investigation confirmed that at least \$1,646.32 was stolen by board member Kelly A. Hauler, age 47, of Lumberton, NJ. On August 16th Ms. Hauler was arrested and charged with theft. Bail was set at \$15,000.00 with no 10% option and she was committed to the Burlington County Jail.

ARREST: At 11:36 pm on August 16th Mount Laurel Police located a disabled vehicle on Route 38 near Marter Avenue. During the investigation officers arrested Robert L. Supper, Jr, age 29, of Springfield, PA. He was charged with driving while intoxicated and released pending a court hearing. BURGLARY: A resident on the first block of Saddle Drive reported someone burglarized their residence on between 7:30 am and 5:20 pm on August 18th. Entry into the residence was gained by throwing a landscaping rock through a rear window. A laptop and an iPad were stolen. ARREST: At 11:29 pm on August 18th Mount Laurel Police conducted a motor vehicle stop on Route 73 near Church Road. During the stop officers arrested Kyle M. Hendricks, age 33, of Millville, NJ. He was charged with possession of less than 50 grams of marijuana and released pending a court hearing.

ARREST: At 12:21 am on August 19th Mount Laurel Police conducted a motor vehicle stop on Larchmont Boulevard near Willow Turn. During the stop officers arrested Thomas R. Brennan, age 63, of Collingswood, NJ. He was charged with driving while intoxicated and released pending a court hearing.

All persons are considered innocent unless and until proven guilty in a court of law. //END//

August 22 at 1:50pm · Public Like Page · Save · More



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○ ¥ 24

Jordan Staub

Stealing money from a kids travel ice hockey program? Really?

Like - r · 4 · Reply · Report · Aug 22

Melanie Burke replied · 1 reply

Debbie Lepo

Thanks for the news. You guys do a great job.

Like · Reply Report · Aug 22

John Jewell

I'm glad the officers in Mount Laurel do such a great job. it seems the cheap motels along 73 are a black eye on our community. Any suggestions or Solutions people?

Like · Reply · Report · Aug 24

Write a comment...

Comment

Mention Friends



Delaware County Court of Common Pleas **Court Summary**

Supper, Robert Springfield, PA 19064

Aliases: Robert L. Supper DOB: 12/18/1986

Sex: Male

Eyes: Brown Hair: Brown

Race: White

Sentence Length

Active

Delaware CP-23-CR-0006746-2007

Proc Status: Warrant Rescinded

DC No:

OTN:L3719936

Arrest Dt: 09/06/2007

Last Action: Bench Warrant Hearing

Next Action: Disp Date: 10/22/2008

Legacy No: Last Action Date: 01/26/2009

F

DC No:

Last Action Room:

Next Action Date:

Next Action Room:

Last Action Room:

Disp Judge: Koudelis, George

Grade Description Program Period

Disposition

Guilty Plea

Seq No Statute Sentence Dt. Sentence Type

35 § 780-113 §§ A30 Confinement 10/22/2008

Manuf/Del/Poss/W Int Manuf Or Del Min: 18 Month(s) Max: 36 Month(s) Other Int Poss Confr Subst By Per Not Reg М

Nolle Prossed

Nolle Prossed

Disposition

35 § 780-113 §§ A16 2 35 § 780-113 §§ A32 3

M Use/Poss Of Drug Paraph

CP-23-CR-0005539-2016

2

3

4

5

6

10

Proc Status: Awaiting Trial Scheduling

OTN:T8296142

Trial Dt: Arrest Dt: 08/17/2016 Last Action: Formal Arraignment Next Action: Pre-Trial Conference

Seq No **Statute** 1

18 § 3701 §§ A1I 18 § 3701 §§ A1II 18 § 3701 §§ A1III

18 § 3921 §§ A 18 § 3925 §§ A 18 § 4106 §§ A1II

7 18 § 4106 §§ A1 18 § 4106 §§ A1IV A

18 § 2706 §§ A1 9

11 35 § 780-113 §§ A16 35 § 780-113 §§ A32 12 75 § 3802 §§ D2* 13

18 § 3928 §§ A

75 § 3323 §§ A

Legacy No:

Last Action Date: 09/28/2016 Next Action Date: 10/11/2016

Next Action Room: Grade Description

Robbery-Inflict Serious Bodily Injury F1 Robbery-Threat immed Ser Injury F1 Robbery-Commit Threat 1st/2nd Deg

F1 Theft By Unlaw Taking-Movable Prop Receiving Stolen Property F1 Access Device Issd to Another Who M1

Did Not Auth Use Access Device Used To Obt Or Att M1 Obt Prop/Service M1 Other Reason Access Device Is

Unauth By Issuer Terroristic Threats W/ Int To Terrorize M1

Unauth Use Motor/Other Vehicles MZ Int Poss Contr Subst By Per Not Reg M Use/Poss Of Drug Paraph M

DUI: Controlled Substance -Impaired Ability - 1st Offense Intersections Controlled by Signs

Printed: 10/7/2016 11:10 AM

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Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Common Criminal Court Case Management System for this offense. In such an insurance, you must make use purely second street on the cose with offense is charged in order to determine what the most up-to-date disposition information is for the offense.



Delaware County Court of Common Pleas Court Summary

Supper, Robert (Continued)

Active	(Cont	inued)
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Delaware (Continued)

Proc Status: Awaiting Trial Scheduling CP-23-CR-0005538-2016

DC No:

OTN:T8296142

Statute Seq No 75 § 3802 §§ A1* 99999

DUI: Gen Imp/Inc of Driving Safely -1st Off

Disposition Withdrawn

Grade Description

75 § 3802 §§ A2* 99999 75 § 3802 §§ D1i* 99999

DUI: Gen Imp (BAC .08 - .10) 1st Off

Withdrawn

DUI: Controlled Substance -Schedule 1 - 1st Offense

Charge Changed

Closed

Delaware

CP-Z3-CR-0003861-2013

Proc Status: Completed

DC No:

OTN:T3334052

Arrest Dt: 06/01/2013

Disp Date: 08/01/2013

Disp Judge: Hazel, Frank T.

Def Atty: Dunn, Taylor William - (PR)

Sea No	Statute		<u>Grade</u>	Description		Disposition
	ence Dt.	Sentence Type	Progra	m Period	Sentence Lengt	<u>th</u>
1		113 §§ A16	M	Int Poss Contr Sut	ost By Per Not Reg	Guilty Plea - Negotiated
08/01	1/2013	Confinement	Other		Max: 12 Month(5)
2	35 § 780-	113 §§ A16	M	Int Poss Contr Sub	st By Per Not Reg	Dismissed
3	_	113 §§ A16	M	Int Poss Contr Sub	st By Per Not Reg	Dismissed
4	-	113 §§ A16	M	int Poss Contr Sub	ost By Per Not Reg	Dismissed
5	_	113 §§ A16	M	Int Poss Contr Suk	ast By Per Not Reg	Dismissed
- 6	-	113 §§ A16	M	Int Poss Contr Sub	st By Per Not Reg	Dismissed
7	_	113 §§ A16	M	Int Poss Contr Sub	st By Per Not Reg	Dismissed
8	-	113 §§ A32	M	Use/Poss Of Drug	Paraph	Dismissed

CP-23-CR-0004425-2013

Proc Status: Completed

DC No:

OTN:L7902462

Disposition

Arrest Dt 06/03/2013

Disp Date: 08/01/2013

Disp Judge: Hazel, Frank T.

Def Atty: West, Kenneth E. - (PD)

Seq No	Statute		<u> Grado</u>	Description		Disposition
Se	ntence Dt	Sentence Type	Progra	m Period	Sentence Length	1
1	18 § 3503	§§ B11	ЕМ	Def Tres Actual Communi	cation To	Guilty Plea - Negotiated
08.	13/2014	Confinement	Other		Max: 12 Month(s)
08.	01/2013	Probation	1 Year		Max: 1 Year(s)	
06	24/2015	Confinement	Other		Max: 188 Day(s)	
2	35 § 780-1	113 §§ A16	M	int Poss Contr Subst By P	er Not Reg	Guilty Plea - Negotiated
08	13/2014	No Further Penalty				
08	01/2013	Confinement	Other		Max: 12 Month(s)
06.	24/2015	No Further Penalty				
3	35 § 780-	113 §§ A32	M	Use/Poss Of Drug Paraph		Dismissed
4	18 § 5503	§§ A1	S	Disorderly Conduct Engag Fighting	e In	Dismissed

2

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CP-

Delaware County Court of Common Pleas Court Summary

Supper, Robert (Cor	itinuea)				
Closed (Continued)					
Delaware (Continued)					
Sea No	Statute				

Cont	ence Dt.	Sentence Type	Progr	am Period Sen	tence Length	i,
5	18 § 5503		s	Disorder Conduct Hazardous/	⊃hysl	Dismissed
~~^~	40 0 0503	ES A41		Off Crim Tres-Enter Structure		Disposed at Lower Co

Grade Description

Court 18 § 3503 §§ A11 99999 Disposed at Lower Court Resist Arrest/Other Law Enforce 99999 18 § 5104

P-23-MD-00	01505-2013	Proc Status: Comple	ted	DC No:		OTN:L7902462
	06/03/2013 Statute	Disp Date:	Grade	Disp Judge: Description	Disposition	
1	18 § 3503 §§ A1	I		Crim Tres-Enter Structure		
2 3	18 § 3503 §§ B1	i		Def Tres Actual Communication To Resist Arrest/Other Law Enforce		
4	18 § 5503 §§ A1			Disorderly Conduct Engage In Fighting		
5	18 § 5503 §§ A4			Dîsorder Conduct Hazardous/Physi Off		
6 7	35 § 780-113 §§ 35 § 780-113 §§			Int Poss Contr Subst By Per Not Reg Use/Poss Of Drug Paraph		

CP-23-MD-00	02497-2016	Proc Status: Comp	leted	DC No:		OTN:T8296142
	08/17/2016 <u>Statute</u> 18 § 3701 §§	Disp Date:	<u>Grade</u>	Robbery-Inflict Serious Bodily Injury	Disposition	
2 3	18 § 3701 §§ 18 § 3701 §§			Robbery-Threat Immed Ser Injury Robbery-Commit Threat 1st/2nd Deg		
4	18 § 3921 §§			Fel Theft By Unlaw Taking-Movable Prop		
5	18 § 3926 §§			Receiving Stolen Property		
6	18 § 4106 §§	A1II		Access Device Issd to Another Who Did Not Auth Use		
7	18 § 4106 §§	A1		Access Device Used To Obt Or Att Obt Prop/Service		
8	18 § 4106 §§	A1IV		Other Reason Access Device Is Unauth By Issuer		
9	18 § 2706 §§	A1		Terroristic Throats W/ Int To Terrorize Another		
10	18 § 3928 §§	A		Unauth Use Motor/Other Vehicles		
11	35 § 780-113	§§ A16		Int Poss Contr Subst By Per Not Reg		
12	35 § 780-113	§§ A32		Use/Poss Of Drug Paraph		
13	75 § 3802 §§	A1*		DUI: Gen Imp/Inc of Driving Safely - 1st Off		

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3

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CPCMS 3541

Delaware County Court of Common Pleas Court Summary

Supper, Robert (Continued) Closed (Continued) Delaware (Continued)

Sea No Statute 75 § 3802 §§ A2* 14

> 75 § 3802 §§ D1i* 15

75 § 3323 §§ A 16

Grade Description

DUI: Gen Imp (BAC .08 - .10) 1st Off

DUI: Controlled Substance -Schedule 1 - 1st Offense Intersections Controlled by Signs Disposition

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Salt us 717-560-9501 🗃 👺 🚰 🚮

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Photo Credit (all staff portraits) Mathew Tennison Photography GREGORY J. SCOTT, AIA



RLPS employee since 1977 Bachelor of Architecture with bonors. Bei my venia Clate. Architectural Studies, University of Osto-

Services

250 Valleybrook Drive Lancaster 26 17601 (217) 560-9501 disposition at the

12/7/2016

PREPARED BY and RECORD AND RETURN TO: Barrister's Settlement Services, LLC

131 Centerville Road Lancaster, PA 17603

File No. B16-47915



02184-0349 Jul 27, 2016 SCOTT, GREGORY J BY AGENT GARVIN, THOMAS

07/27/2018

09:12:14 DEED 4988 RECORDER OF DEEDS Electronically Recorded / Submitted by Simplifu



C.C.B.O.A. Registry 07-26-16 KEE

36-22/37

Uniform Parcel Identifier

Account Number: 36-22/37

Premises: 1132 SOUTH ATHERTON STREET, STATE COLLEGE, PA 16801

This Indenture, Made the 12th day of July, 2016

Retween

GREGORY J. SCOTT and TERRI E. SCOTT, HUSBAND AND WIFE

(hereinafter called the Grantors), of the one part, and

THOMAS GARVIN and NADINE GARVIN, HUSBAND AND WIFE

(hereinafter called the Grantees), of the other part,

Witnesseth That the said Grantors, for and in consideration of the sum of One Hundred Sixty-Nine Thousand Five Hundred and 00/100 Dollars (\$169,500.00) lawful money of the United States of America, unto them, well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents, do grant, bargain and sell, release and confirm unto the said Grantees, as Tenants by the Entirety, their heirs and assigns,

ALL THAT CERTAIN messuage, tenement, and tract of land situate, lying and being in the Borough of State College, County of Centre and Commonwealth of Pennsylvania, bounded and described as follows,

BEGINNING at a point on the southerly line of South Atherton Street (70 feet wide) distant 370.89 feet easterly along the southerly line of South Atherton Street from its intersection with the southwesterly prolongation of the centerline of Westerly Parkway extended; thence South 14° 15' 43" West a distance of 115.00 feet to a point; thence South 75° 44' 17" East a distance of 40.00 feet to a point; thence North 14° 15' 43" East a distance of 115.00 feet to a point on the southerly line of South Atherton Street; thence along South Atherton Street; North 75° 44' 17" West a distance of 40.00 feet to the point or place of BEGINNING.

BEING THE SAME PREMISES which Carol Jean Frederick now known as Carol J. English by deed dated June 27, 1995 and recorded June 30, 1995 in the Office of the Recorder of Deeds in and for Centre County, Pennsylvania in Record Book 816, Page 771, granted and conveyed unto Gregory J. Scott and Terri E. Scott, their heirs and assigns, as tenants by the entireties.

Together with all and singular the buildings improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

And the said Grantors, their heirs, executors and administrators do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that the said Grantors, their heirs, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantees, their heirs and assigns, against the said Grantors and their heirs, and against all and every person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under or any of them, shall and will

SPECIALLY WARRANT and forever DEFEND.

In Witness Whereof, the parties of the first part hereunto set their hand and seal. Dated the day and year first above written.

Sealed and Delivered IN THE PRESENCE OF US:

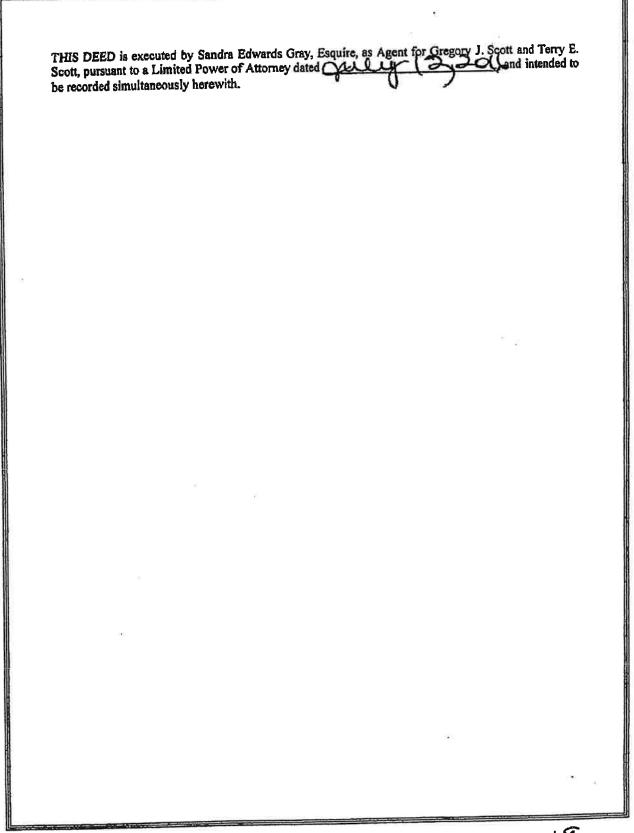
SANDRA EDWARDS GRAY, ESQUIRE, AGENT FOR GREGORY JACOTT

SANDRA EDWARDS GRAY, ESQUIRE, AGENT I

TERRIE. SCOTT

9-4E

Commonwealth of Pennsylvania County of Lancaster SS: On this the Aday of July, 2016, before me, Levif London a Notary Public, the undersigned Officer, personally appeared SANDRA EDWARDS GRAY, ESQUIRE, AGENT FOR GREGORY J. SCOTT and TERRI E. SCOTT known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained. I hereunto set my hand and official seal.	
My Commission Expires: COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL LORI A LANDIS, Notary Public City of lancaster County My Commission Expires Dec. 12, 2018 The address of the above-named Grantees is: 10 Penn Lanor Count Fact washington, PA 19034 Talling of the Grantees	
	.MD





MEMORANDUM

TO:

OUR VALUED RESIDENTS

FROM:

THOMAS P. GARVIN, PRESIDENT AND CEO

DATE:

SEPTEMBER 30, 2016

SUBJECT: CHANGE IN PERSONNEL

Dear Residents,

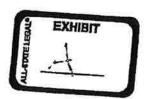
I regretfully inform you that Kathy Jungclaus, our Vice President of Human Resources, is no longer with our organization. We are extremely appreciative of Kathy's many years of service to Waverly and wish her the best of luck in her future.

We will immediately begin the recruiting process, and will keep you informed of our progress. In the interim, the department's operations and needs pertaining to employees will be fulfilled by representatives of Senior Management and the current Human Resources staff.

Should you have any questions, please contact Amy Blessing at phone extension 8604.

Best regards.

Tom



September 14, 2016

Mr. Thomas Garvin, President and CEO Waverly Heights, Ltd. 1400 Waverly Road Gladwyne, PA 19035

Dear Mr. Garvin,

I have been a member of the Waverly community for longer than I care to admit. Please excuse the anonymous nature of this letter. I would have preferred to deliver it in person, but as I am inextricably involved in this community, I do not wish my characteristically kind and considerate countenance to be defined by one outcry; even for the sake of social justice. Since my arrival at Waverly I have come to adore the staff, and have found myself heartbroken as they have come and gone over the years; sometimes without warning or explanation. I have been inquisitive in my own way in several instances, but never felt I gleaned a satisfying enough explanation for some of the dismissals in recent years. As someone who is accustomed to the nature of business, I understand that privacy and discretion are necessary tools, and that communication of such events must be carefully crafted and disseminated. This is why I have never pursued these matters beyond a level of polite conservation. However, as I have recently delved into the world of social media and am now party to the anything-goes nature of social communication, I came across something disconcerting enough that I feel it warrants mention.

Joining social media is reminiscent of the first day of school: you're not sure of yourself, you're not sure of your company, and you don't quite know who to align with. Naturally, one of the first accounts I sought out was @waverlyheights. Hoping to expand, I checked your "followers," and of course, a few familiar names stood out to me, specifically @kmjungclaus, which couldn't be a clearer identifier for Kathleen Jungclaus. I recognized the name because I have come to know her in passing, but also because my aforementioned concerns with dismissals over the years led me to inquire into who directs personnel. I was disturbed to find that Ms. Jungclaus' twitter, which is so blatantly linked with her employer's, would be so politically charged. She is of course rightfully blanketed by Free Speech, which every citizen of this country enjoys, so my distaste for her political jabs and vigorous support of extremist characters belonging to the Republican party (specifically Donald Trump) is personal, and therefore



EEOC Form 5 (5/01)		Charge Pre	sented t	o: Agen	cy(ies) Charge No(s):
CHARGE OF DISCRIMINATION					20 20 30
This form is diffected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		X EEOC 530 2011-00958			00958
Statement and pass and and and a					
Pennsylvania Human Relations Commission State or local	l Amencu	if anv			
Name (indicate Mr. Ms. Mrs.)		Iome Phone (Code)	Date of Birth
Me Kathleen M. Jungclaus		630-3094			12/09/1960
Street Address City, State					
1129 Mill Road Circle, Rydal, PA 19046 Named is the Employer, Labor Organization, Employment Agency,	Apprent	iceship Comm	ittee, or	State or Loca	Government Agency
That I believe Discriminated Against We of Others. (If more than to		ployees, Mem		Phone No.	(Include Area Code)
Name Waverly Heights LTD	Appr	ox. 560		610 645-86	00
	(310)	full time)			
1400 Waverly Road, Gladwyne, PA 19035	No. Em	ployees, Mem	bers	Phone No.	(Include Area Code)
Street Address City, State	and ZIP	Code			
DISCRIMINATION BASED ON (Check appropriate box(es).)				NATION TOOK PLACE
N 60.35		RIGIN	Earli 201		9/27/2016
_RACECOLOR _x SEXRELIGIONNATIO			V CC	NTINUING A	ACTION
_x RETALIATION _x AGE _ DISABILITY _ OTHER					
THE PARTICULARS ARE (If additional paper is needed, att	ached e	xtra sheet(s)):		
I have been discriminated against by virtue of being female, by male CEO Thomas Garvin who has been supported by a Board of Trustees that upholds one set of standards for females and another for males. After serving as the HR Manager for almost 20 years, I was fired on September 27, 2016 purportedly for violation of the Waverly "Social Media Policy". In point of fact, I did nothing of the kind. This should be contrasted with a board member's actually using Waverly email to communicate racist "birther" criticism of President Obama. I have been subjected to an illegal, sexist environment as well as age discrimination which culminated in my firing. Further, I have been retaliated against as a result of my sex and sexual orientation and as a result of my standing up for my rights and the rights of other females. Mr. Garvin and the Board have created and maintained an illegal and hostile working environment when it comes to me, other females and those over 40. I have been replaced by a younger candidate. See attached summary provided to the Board of Waverly Heights, Ltd.					
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of periupy that the above is true and					
I declare under penalty of perjury that the above is true and correct. Attituded by the serious of perjury that the above is true and correct.		that it is true belief.	to the be	I have read to	ne above charge and wiedge, information and

Recent events

Inbox

kmjungclaus@gmail.com

Sun, Oct 2, 2016, 1:24 PM

Tom Thank you for trying to contact me. I am out of town visiting my sister and will be back on Monday. I am pretty devastated and not sure that I can talk without crying.

I will give you a call one day during the week.

All the best

Kathy

scpi5 <scpi5@aol.com>

Sun, Oct 2, 2016, 3:48 PM

to me

You're entitled -- to cry, yell and scream.

Just to be supportive, as you have been for me, and figure out how I can help.

Sent from my Verizon 4G LTE smartphone

kmjungclaus@gmail.com

Sun, Oct 2, 2016, 3:49 PM

to scpi5

What were you told? Do you mind if I ask?

Sent from my iPhone

scpi5 <scpi5@aol.com>

Sun, Oct 2, 2016, 4:09 PM

to me

There was an inappropriate post on Facebook.

Sent from my Verizon 4G LTE smartphone

Andrea Jones <andreaxoxo2011@gmail.com>
Mon, Nov 7, 2016, 10:55 AM
to me

Good morning how's everything

kmjungclaus@gmail.com Mon, Nov 7, 2016, 11:00 AM to Andrea

Things are okay. How about with you? How is Witt? How is waverly?

Sent from my iPhone

Andrea Jones <andreaxoxo2011@gmail.com>
Mon, Nov 7, 2016, 12:01 PM
to me

Everything is good on our end , they never gave him a interview for the supervisor position. Even tho they kept scheduling him one . So as of this week he,knows for sure he has to find something else it's sad ... Anton told me u came up there I'm so sad I didn't see you

Andrea Jones <andreaxoxo2011@gmail.com>
Mon, Nov 7, 2016, 12:02 PM
to me

OMG did u get my last message I sent you lol

Kathy Jungclaus kmjungclaus@gmail.com Mon, Nov 7, 2016, 12:05 PM

to Andrea

yep I got both! Who set him up and canceled? That's not right. I took my mother in law shopping and just happened to see him..

Andrea Jones <andreaxoxo2011@gmail.com>

Tue, Nov 8, 2016, 5:20 AM

to me

I'm not sure Anton told me we should all get together and try to get you back but sad thing is we are scared to loose are jobs....

kmjungclaus@gmail.com

Tue, Nov 8, 2016, 7:54 AM

to Andrea

Andrea

That is so sweet of Anton. Tom will not bring me back. It's not worth you guys losing your jobs!

Regardless I loved working with you guys. The job was tough but the staff were awesome!

Besides we can keep in touch!

How are you doing? Taking care of yourself I hope!

Sent from my iPhone

From	Andrea	jones
------	--------	-------

Andrea Jones <andreaxoxo2011@gmail.com>

Sun, Oct 23, 2016, 1:53 PM

to me

Good afternoon, it's so hard to write you a email I keep starting over every time I'm about to send you a email, I don't even really know what to say but I miss you,.... I had your number but my phone had broke I had to get a new one. My number is 267-738-9784.

kmjungclaus@gmail.com

Sun, Oct 23, 2016, 3:33 PM

to Andrea

Andrea

I miss you too so much.

This is incredibly hard but friends like you mean a lot.

I hope all is well with you and Witt.

Keep in touch and post me on all the drama at Waverly. What is on the grape vine?

Has anyone said anything about me?

So happy to hear from you my friend!

Kathy

Ps just write anything. It never has to be perfect.

Sent from my iPhone

Andrea Jones <andreaxoxo2011@gmail.com>
Mon, Oct 24, 2016, 6:51 AM
to me

In that case if I send you a email about the stuff that really goes on while you were there even now that your not there it will be a book ... put it this way , once you left I been written up about rags we use to clean with, and because of that I found out Constance or anyone else did not want to hire, me back. ... That was all you thank you. I been drug test last week what is funny to me...why, because I can name a lot of Mangers, supervisor, security, maintenance, servers, housekeeping, cooks, CNA, one nurse shoot they won't have any staff Imao. the rumors about you not here will hurt your feelings because it's stupid and I know it's not true. They swept everything about you leaving like they do everyone else. That's when people start rumors because they higher boss don't tell us the truth.... just like the residents one thing is sum might not speak up sum might but at the end the day they talk behind close doors, that hole project they doing I know about it in more ... I don't know why your not here sum residents that' really knows you think it had to do with The Project..... me on the other had I feel like it can be two things they mad that you define employees and residents.. it's crazy how I can predict things in it comes true I was hurt that your gone but not surprise. I gave my self to February to leave before they fire me... I know you wondering what sum say It makes me mad just thinking about it . Sum say Q "she said rational statements , o yea this a good one you was bashing the company to someone and that person told. It's sad to say from the first day I walk in to know it's sad with a the new things they want and all the new attraction Waverly is going to still falling apart... and if they don't change their ways Tom's next lol o lord if we can meet up in Have Tea you will be amazed of how much I know and the scary part it I know stuff from just being very observing, and from higher management just from talking I talk to people that u won't believe..

P.S. can me you and Witt meet up. He so lost now he was thinking about going out for that supervisor position in the dining room, but I hate to kill is joy but I know they won't hire him for that, and if they did they won't pay him good.. now he just wants to leave knowing how everything is turning out.

Kathy Jungclaus kmjungclaus@gmail.com
Fri, Oct 5, 9:03 AM

to Andrea

Hey Andrea!

How are you! Are you still in phila? Or did you move? Still working at waverly? Still with Witt? I am doing okay. We had to move my in laws out of waverly. Too long of a story. They are closer to us

Hope all is well!

now which is easier.

All the best!

Kathy

JUMP....., the net will find YOU!

7.59

Case 2:17-cv-04462-PD Document 38-5 Filed 08/01/19 Page 162 of 200 PAYENS forms, shrist address; cty, state, and ZIP code. Cattel 14. Brothers. 50 Fetry Ave. Cambern, NJ 08103 Miscellaneous Income SINCE LIKE 856-869-9293 out 247 or the co Copy B For Recipient The is important to: information and is being familitied to the prierral Revenue Service. If you are equired to file a return, needlepros penalty or The transfer of the 计可性 第二十二 PAYENTO PAGETAL TAX ID RECIPIENTE MERENDE N Section to summer of suppliers 11-00-C aintern the trace The state of the state of Legiole all WALLS. THE POPULATION OF PARE (186 Application of the Control of t 190 190 190 15 ETECTIFICATION IN THE SHOP TENSOR VOORSELFOR PRINT THE PART OF THE PROPERTY. 18 State Income The services victorial and the services of the Account Number (Keep forsypul records:) Form 1099-MISC

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Form 1099-MISC

Department of the Treasury - Interns

Catalli Brothers 50 Jury Ava Camber, NO 08103

Important Tex Return Document Enclosed

Kathles M. Jungclaus-RMJ Consulting 1129 MAI Road Circle Rydsl PA 19046

Instructions for Recipient

Box 7. Shows nonsimployee both persetter. If you are in the trade or that, box 7 may show cash you received for the sale of fail. If the arra is 3E income, report a on Schedule 0 or F (Ferm 1940), and compared 1940). You received the form instead of Ferm 1940 because the payer you an employee end do not withhold prooms had considerable the payer of the property of the payer of th

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COMMUNICATIONS

Open Door Policy

The purpose of Waverly Heights' open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. If any area of your work is causing you concern, you have the responsibility to address the concern with your supervisor.

Whether you have a problem, a complaint, a suggestion or an observation, Waverly Heights and your supervisors want to hear from you. By listening to you, Waverly is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes and decisions.

Those employees who wish to choose a more formal process may address their issue through the Employee Problem Solving Procedure.

Employee Problem Solving Procedure (Policy P-676)

Ongoing issues, questions, concerns or problems can be resolved through effective communication. Waverly Heights believes that positive relationships and mutual trust are developed through effective communication among employees. Therefore, you should feel free to use this procedure to answer any question or respond to any concerns.

The steps in the Problem Solving Procedure are as follows:

- Step 1. You are encouraged to talk with your immediate supervisor regarding any issues, questions, concerns or problems you may have. Most issues can be satisfactorily resolved in this manner.
- Step 2. If your concern has not been resolved within 48 hours after communication with your supervisor or
 you believe your supervisor is part of the problem, please bring the matter to the attention of your
 department director.
- Step 3. If your concern has not resolved after communication with your department director, you should submit your concern in writing to the Director of Human Resources. A meeting will be held with you within 48 hours to discuss the concern. If needed, an additional meeting will be scheduled within 24 hours giving the opportunity to provide documentation, evidence and witnesses, regarding your case.
- Step 4. Should the concerns still not be resolved, you may put your concerns in writing to the President of
 Waverly Heights. A meeting will be held within 48 hours with you, the Director of Human Resources and
 your department director where all previous meetings and their outcomes will be reviewed and discussed.
 The president will make a final decision.

You may contact the Director of Human Resources at any time in this process without fear of reprisal. Furthermore, any employee may use this Problem Solving Program without the fear of any retaliation. Any employee who interferes with another employee's use of this program will be disciplined up to and including termination.

Solicitation and Distribution (Policy P-687)

Selling, soliciting or canvassing during work time or distributing literature in working areas on Waverly property is not permitted. Violation of this policy will lead to disciplinary action.

Electronic and Other Equipment

All electronic communication systems are the property of Waverly Heights and, as such, are to be used solely for work related purposes. This includes but is not limited to, personal computers, computerized databases, telephone, voice mail, the Internet, Waverly Heights Intranet, and all communications and stored information, or contained in Waverly Heights' information systems.

The use of such equipment and software for private purposes is strictly prohibited. Employees or consultants using this equipment for personal purposes do so at their own risk.

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WAVERLY HEIGHTS, LTD. POLICY AND PROCEDURES

SUBJECT: NONDISCRIMINATION

DEPARTMENT: HUMAN RESOURCES POLICY NUMBER: P-639

PAGE #: 1 of 1

Policy:

All persons are entitled to equal employment opportunities through Waverly Heights, Ltd.

Procedure:

Waverly Heights, Ltd. is committed to providing equal employment opportunity for all persons regardless of race, color, religion, sex, age, marital status, national origin, citizenship status, disability or veteran status.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

Waverly Heights complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment including sexual harassment. Waverly Heights considers harassment in all forms to be a serious offense.

Employees who have been subject to prohibited discrimination or harassment should immediately report the incident to their supervisor, Department Director or Director of Human Resources.

Complaints will be investigated immediately and handled as confidentially as possible. Waverly Heights ensures that employees following this complaint procedure will be protected against illegal retaliation.

Any reported violations of EEO law or this policy will be investigated. Supervisors or employees found to have engaged in discriminatory conduct or harassment will be subject to immediate disciplinary action including possible termination of employment.

APPROVED BY: Them I Jan
PRESIDENT

EFFECTIVE DATE: 8/28/2011

THIS POLICY REVISES POLICY NUMBER P-639 DATED: 9/23/1998.

WAVERLY HEIGHTS, LTD. POLICY AND PROCEDURES

SUBJECT: PROBLEM-SOLVING / GRIEVANCES

DEPARTMENT: HUMAN RESOURCES POLICY NUMBER: P-676

PAGE #: 1 of 2

POLICY:

It is the philosophy of Waverly Heights that every employee is entitled to fair and equitable treatment in all activities of Waverly Heights, particularly in the application of established employment practices.

Through this policy and through the practices of Waverly Heights, all employees are offered guidelines to use in solving problems or concerns relating to their employment.

This procedure may be initiated by any employee at any time without fear of recrimination or penalty. It is in the best interest of all that problems receive proper attention.

The employee problem-solving procedure is intended to offer all employees a system for handling problems and dissatisfaction without fear of reprimand or losing their job.

PROCEDURE:

A. Employee's Responsibilities - Steps in the Procedure

If an employee has a problem concerning any work-related activity or feels that he or she has been treated unfairly, the employee should:

- 1. Discuss the matter with the immediate supervisor as soon as possible;
- 2. If no satisfactory solution is reached with the immediate supervisor, or if it is impractical to discuss the matter with the supervisor, the employee should arrange a meeting with the supervisor's manager or the Director of Human Resources.
- 3. If not satisfied with the results of steps one or two, the employee should state the problem in writing, describing the action of steps one and two, and submit this to the President of Waverly Heights. If the concern cannot be stated in writing, an appointment should be scheduled with the President to discuss the matter.

B. Supervisor's Responsibilities

- 1. Initial review with employee:
 - a. Give the employee an adequate and objective conference session.
 - b. Assure the employee that he or she need not fear any reprisal for registering a problem.
 - c. Ask the employee to repeat the problem or situation. The supervisor should concentrate on listening to what the employee is saying: repetition may help to present to story accurately. The supervisor should make informal notes of the facts; they may be helpful later. The supervisor should ask the employee what resolution he or she feels would be appropriate.

APPROVED BY:	Thomas P. Harri	
	PRESIDENT	EFFECTIVE DATE: 7/15/2011

THIS POLICY REVISES POLICY NUMBER P-676 DATED: 7/30/2008

Case 2:17-cv-04462-PD Document 38-5 Filed 08/01/19 Page 166 of 200

WAVERLY HEIGHTS, LTD. POLICY AND PROCEDURES

SUBJECT: PROBLEM-S

PROBLEM-SOLVING / GRIEVANCES

DEPARTMENT: HUMAN RESOURCES

POLICY NUMBER: P-676

PAGE #: 2 of 2

d. The supervisor should repeat the essential points to the employee, and ask the employee if he or she agrees with the summary.

e. The supervisor should inform the employee that the situation will be researched, and should indicate the time frame within which the employee should anticipate a follow up conference.

2. Obtain the Facts

The supervisor should look into the factual details of the problem. The supervisor should talk to people concerned; review any existing policies as they pertain to the situation; and review the employee's personnel record to determine if there has been a similar experience in the past.

3. Take Action

- a. After assembling the facts, action should be taken immediately. Corrective action, if necessary, should be done within five (5) work days. If the employee is in error, a full and careful explanation should be made to the employee. If the employee is correct in his or her complaint, advise the employee of the corrective action that will be taken.
- b. Inform the employee of this or her right to appeal by taking the complaint to the next step in the problem-solving/grievance procedure. This should be done within five (5) working days.

4. Follow up

A successful problem-solving procedure depends upon proper follow-up by management. The action taken at each step should be as rapid as possible. Dissatisfied employees often negatively affect the providing of quality service.

C. Conclusion

If the employee chooses to appeal his or her supervisor's decision and use the problem-solving/grievance procedure, the final step may go as far as the President.

The President will discuss the situation with the employee and also consider the recommendations of the Department Director and Director of Human Resources. The President's decision is final and will be reached within five working days.

The aggrieved employee should be advised personally by the President as to the final decision. Appropriate documentation collected during the process will then be placed in the employee's personnel file.

In all phases of this process and after its completion, all those involved should maintain strict confidentiality in order to respect the rights of the employee.

APPROVED BY: Thomas P. JanPRESIDENT

EFFECTIVE DATE: 7/15/2011

THIS POLICY REVISES POLICY NUMBER P-676 DATED: 7/30/2008

WAVERLY HEIGHTS, LTD. POLICY AND PROCEDURES

SUBJECT:

SEXUAL HARASSMENT

DEPARTMENT:

HUMAN RESOURCES

POLICY NUMBER:

P-685

PAGE #: 1 of 1

POLICY:

It is the policy of Waverly Heights to provide a work environment free of discrimination. In keeping with this policy, Waverly Heights and its representatives will not permit or tolerate sexual harassment of its employees. Harassment on the basis of sex is unlawful.

PROCEDURE:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly as a term or condition of proposed or continued employment; and/or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; and/or
- 3) Such conduct has the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

Waverly Heights' Administration encourages any person who believes that he or she has been subjected to sexual harassment from co-workers, supervisors, non-employees or visitors on Waverly Heights' property, or clients to bring the matter to the attention of the Director of Human Resources or to Administration for confidential handling of the situation.

If, after the circumstance have been reviewed, sexual harassment is found to have occurred, appropriate action, up to and including termination, will be taken.

APPROVED BY:__

PRESIDENT

EFFECTIVE DATE: 4.1.2014

THIS POLICY REVISES POLICY P-685 DATED 12/1/1988.

Appendix 784

ETHICAL STANDARDS and CORPORATE COMPLIANCE

Equal Opportunity Employer (Policy -P-639)

It is Waverly Heights' philosophy to provide equal employment opportunities for all employees and applicants. No person shall, on the basis of race, color, natural origin, age, sex, religion, military service, veteran status, ancestry, genetic information, disability or other basis protected under federal, state or local law, be discriminated against in hiring, training, promotion, transfer, compensation, benefits or any employment opportunity or privilege. Waverly Heights is committed to preventing illegal discrimination against employees or residents. The non-discrimination policy of Waverly Heights applies to all employees and applicants.

Applicants and employees are encouraged to contact the Human Resources Department with any questions regarding this policy.

Waverly Heights' employees are required to perform the duties of their positions in providing services to our residents, without regard to race, sex, sexual preference, age, color, religion, national origin, marital status, veteran status, ancestry or disability.

Complaints of discrimination may be filed with any of the following:

Waverly Heights Director Of Human Resources or President 1400 Waverly Road Gladwyne, PA 19035

Department of Public Welfare Civil Rights Compliance Unit 1400 Spring Garden Street State Office Building, Room 502 Philadelphia, PA 19130

Pennsylvania Human Relations Commission 711 State Office Building Broad and Spring Garden Streets Philadelphia, PA 19130 Equal Employment Opportunity Commission 1421 Cherry Street 10th Floor Philadelphia, PA 19102

Office for Civil Rights
U.S. Department of Health & Human Services
Region II, P. O. Box 13716
Philadelphia, PA 19101

Harassment in the Workplace

Waverly Heights is dedicated to providing a work environment free of unlawful harassment of any kind. Unlawful harassment in any form will not be tolerated and will result in disciplinary action, up to and including termination.

Any form of harassment related to an individual's race, sex/gender, religion, age, national origin, disability, citizenship status, sexual orientation or marital status is a violation of this policy and will be treated as a disciplinary matter. All employees are responsible for ensuring the workplace is free from all forms of unlawful harassment.

The term "harassment" includes:

- Offensive remarks and comments. Jokes or slurs pertaining to any individuals race, sex/gender, religion, age, national origin, disability, citizenship status, sexual orientation, marital status or any other basis protected by law;
- Offensive sexual remarks, sexual advances, or requests for sexual favors regardless of the gender of the individuals involved;
- Offensive physical contact, including gestures and touching, regardless of the gender of the individuals involved:
- Offensive pictures, drawings, cartoons, or photographs or other communications, including e-mail or text messages;
- Threatening reprisals for an employee's refusal to respond to requests for sexual favors or for reporting a violation of this policy.

ETHICAL STANDARDS and CORPORATE COMPLIANCE

Waverly Heights' supervisors and managers are prohibited from engaging in any form of harassing conduct. No supervisor or other member of management has the authority to suggest to any employee or applicant that the individual's employment or advancement will be affected in any way by entering into, or refusing to enter into, any form of personal relationship with him or her. Harassment of employees in connection with their work by non-employees is also a violation of this policy. Any employee who experiences or observes any harassment by a non-employee should promptly report such harassment to his or her supervisor, or the Director of Human Resources.

If you feel that you are being harassed you should tell that individual how you feel. You should also report the matter to your supervisor to ensure the conduct is stopped. If the problem involves your supervisor or if you do not feel that the matter can be discussed with your supervisor, you should promptly report the conduct to the Human Resource Director for a complete investigation.

Sexual Harassment (Policy P-685)

Sexual harassment in any form will not be tolerated by Waverly Heights, regardless of level or position within the company and under appropriate circumstances shall result in termination. This includes but is not limited to any unwelcome verbal and/ or physical conduct that adversely affects the work environment.

The Equal Employment Opportunity Commission has defined sexual harassment as follows:

Unwelcome or unsolicited sexual advances, requests for sexual favors, and other inappropriate verbal or physical contact of a sexual nature made to an employee by a supervisor, a co-worker, or any individual with whom employees come in contact as part of their employment responsibilities:

- When submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
- When the submission to or rejection of such conduct by an individual is used as a basis for employment decisions which affect that individual;
- When such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include but is not limited to:

- Verbal harassment or abuse;
- Undesirable work assignments due to refusal to grant sexual favors;
- Repeated remarks to an individual with sexual or demeaning implications; including repetitive and
 offensive text messages of sexual content;
- Unwelcome or unsolicited touching and;
- Suggestions or demanding sexual involvement accompanied by explicit or implicit threats concerning one's employment.

If you believe that you are being sexually harassed, you should promptly report such conduct to your supervisor or the Director of Human Resources.

Harassment or Discrimination Complaint Procedure

To ensure a prompt investigation and resolution of issues relating to harassment or discrimination concerns, it is essential to report any problems or concerns immediately. You should report the problem or concern to your supervisor, or should your supervisor be involved, your department director or to the Director of Human Resources. A prompt and full investigation will be complete. Waverly Heights will maintain the confidentiality of all parties to the maximum extent possible. Appropriate action will be taken based on the results of the investigation.

No Retaliation Statement

Retaliation against any employee who reports a discrimination or harassment complaint is strictly prohibited and will not be tolerated. Any retaliation taken towards an individual reporting a case of discrimination or harassment will result in disciplinary action, up to and including termination.

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ETHICAL STANDARDS and CORPORATE COMPLIANCE

Code of Conduct (Policy A-023)

Waverly Heights has long been a provider of Continuing Care Retirement Services. Part of the reason for this is its strong desire to maintain the highest ethical, moral and legal standards in its operations and actions. This applies to the organization itself, its employees, and those with whom it deals. Waverly Heights expects everyone to act in accordance with these ethical, moral and legal standards.

When it is determined that an action has taken place or an event has occurred that does not meet these expectations, Waverly Heights will work to discover the extent of the action or event that has strayed from the standard, and determine what must be done to correct or revise it, so that the standard may be achieved.

Waverly Heights will work to correct the action or event to the extent possible and expects its employees and those with whom it deals to do the same. Should you encounter any circumstances that do not appear to support appropriate ethical, moral, or legal standards, please contact a supervisor, department director or the Director of Human Resources.

American with Disabilities Act

As part of our commitment to Equal Employment Opportunity and in order to comply with the Americans with Disabilities Act and other applicable state and local laws, it is the policy of Waverly Heights to not discriminate in any employment practice against any individual with a disability. Waverly Heights will provide reasonable accommodation to applicants and employees, provided accommodations do not impose an undue hardship on Waverly Heights.

All employees are required to comply with safety standards. They are an essential part of every employee's job. Waverly Heights reserves the right to determine if an employee poses a direct threat of harm to himself/herself or others which cannot be eliminated by reasonable accommodation. If you believe that you require an accommodation either in the application process or in your job, please contact your immediate supervisor or the Director of Human Resources.





CIVIL RIGHTS COMPLIANCE

EMPLOYEE AWARENESS

In accordance with applicable Federal and State Civil Rights laws and regulatory requirements, you, as an employee engaged in the provision of services, may not directly or indirectly:

Refuse, withhold or deny services of this agency to any present or prospective client because of their race, color, religious creed, handicap, ancestry, national origin, age or sex.

Furthermore, as an employee of this facility, you have the right:

- To file a complaint of discrimination if you feel you have been discriminated against on the basis of your race, color, religious creed, handicap, ancestry, national origin, age or sex. Complaints of discrimination may be filed with any of the following:
- Waverly Heights
 1400 Waverly Road
 Gladwyne, PA 19035
- Department of Public Welfare
 Civil Rights Compliance Unit
 1400 Spring Garden Street
 State Office Building Room 502
 Philadelphia, PA 19130
- Pennsylvania Human Relations Commission
 711 State Office Building
 Broad & Spring Garden Streets
 Philadelphia, PA 19130
- Office for Civil Rights
 U.S. Department of Health
 and Human Services
 Region III, P.O. Box 13716
 Philadelphia, PA 19101

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ERTIFICATE OF COMPLETION

This certifies that KATHLEEN JUNGCLAUS

successfully completed the requirements for

Embracing Diversity

on Wednesday, October 29, 2014

Course description:

An important part of a home's culture change process is embracing the diversity of its staff and residents and educating the staff in cultural competence. This course covers the changes that a home must make when it commits to embracing diversity as part of its culture change journey.





CERTIFICATE OF COMPLET

This certifies that KATHLEEN JUNGCLAUS

successfully completed the requirements for

Preventing Sexual Harassment on Thursday, October 03, 2013

Course description:

In long term care facilities, close interaction between staff, residents, and volunteers can create environments with a high risk for sexual harassment. This course provides guidelines for behavior and conduct, and helps employees distinguish between what is appropriate and inappropriate in their workplace.



SILVERCHAIR Learning Systems 310 East Main Street, Charlottesville, VA 22903 (866) 689-0846

Nancy N. Wicklin, RN, MS, Editorial Director, Silverchair Learning Systems

Mary n. Wickl

CERTIFICATE OF COMPLETION

This certifies that KATHLEEN JUNGCLAUS

successfully completed the requirements for

Embracing Diversity

on Wednesday, August 15, 2012

Course description:

An important part of a home's culture change process is embracing the diversity of its staff and residents and educating the staff in cultural competence. This course covers the changes that a home must make when it commits to embracing diversity as part of its culture change journey.

This course is approved for continuing education credit by the following:

This learning activity is approved by the National Council of Certified Dementia Practitioners®, for 1 contact hour(s) of continuing education.

310 East Main Street, Charlottesville, VA 22903 (866) 689-0846

axy n. Wick

CERTIFICATE OF COMPLETION

This certifies that

KATHLEEN METZGER-JUNGCLAUS

successfully completed the requirements for

Embracing Diversity

on Tuesday, November 08, 2011

Course description:

An important part of a home's culture change process is embracing the diversity of its staff and residents and educating the staff in cultural competence. This course covers the changes that a home must make when it commits to embracing diversity as part of its culture change journey.

This course is approved for continuing education credit by the following:

This learning activity is approved by the National Council of Certified Dementia Practitioners®, for 1 contact hour(s) of continuing education.



CERTIFICATE OF COMPLETION

This certifies that

KATHLEEN JUNGCLAUS

successfully completed the requirements for

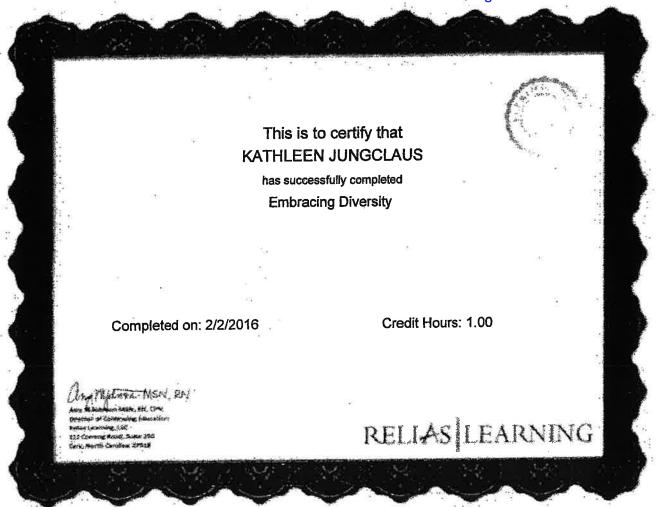
Preventing Sexual Harassment

on Friday, October 31, 2014

Course description:

In long term care facilities, close interaction between staff, residents, and volunteers can create environments with a high risk for sexual harassment. This course provides guidelines for behavior and conduct, and helps employees distinguish between what is appropriate and inappropriate in their workplace.







CERTIFICATE OF COMPLETION

This certifies that

KATHLEEN JUNGCLAUS

successfully completed the requirements for

Embracing Diversity

on Friday, October 16, 2015

Course description:

An important part of a home's culture change process is embracing the diversity of its staff and residents and educating the staff in cultural competence. This course covers the changes that a home must make when it commits to embracing diversity as part of its culture change journey.





The Institute for Continuing Education and Research

Certifies that

Kathleen Jungclaus

Has Satisfactorily Participated in the Continuing Education Program

Introduction to Nursing Home Administration
The 120-Hour NHA Course
Jan-May 2014

And is Hereby Awarded this Certificate of Completion

PR-000441-L

Provider ID

Date

Authorized Signature llene Warner-Maron, PhD NHA

May 2, 2014

Appendix 796



The Institute for Continuing Education and Research

Certifies that

Kathler Junger clan

Has Satisfactorily Participated in the Continuing Education Program

Introduction to Nursing Home Administration The 120-Hour NHA Course: Health Support And is Hereby Awarded this Certificate of Completion CEU 7.0

PR-000441-L Provider ID

> Authorized Signature Ilene Warner-Maron, PhD NHA



Certifies that

Has Satisfactorily Participated in the Continuing Education Program

PA Regulations and Administration On December 17, 2013

s Certificate of Completion Approval # 13122014

Authorized Signature

PR-000441-L Provider ID

> Date 12/17/13



Certifies that

Has Satisfactorily Participated in the Cohtinuing Education Frogram

Administration and Federal Regulations Part On December 19, 2013

is Certificate of Completion Approval # 03422014-7.25

llene Warner-Maron, PhD NHA **Authorized Signature**

PR-000441-L **Provider ID**

12/19/13 Date



Has Satisfactorily Participated in the Continuing Education Program**Certifies that**

Administration and Federal Regulations Part On December 18, 2013

his Certificate of Completion Approval # 14122014-7.25-7923-i

llene Warner-Maron, PhD NHA **Authorized Signature**

PR-000441-L

12/18/13 Date



Certifies that

Has Satisfactorily Participated in the Continuing Education Program Introduction to Nursing Home Administration

The 120-Hour NHA Course:

Personnel Management and Unions

And is Hereby Awarded this Certificate of Completion 7.0

PR-000441-L

Provider ID

llene Warner-Maron, PhD NHA uthorized Signature



Certifies that

Lathlew Jung class

Introduction to Nursing Home Administration Has Satisfactorily Participated in the Continuing Education Program

Dietary Management

The 120-Hour NHA Course:

And is Hereby Awarded this Certificate of Completion CEU 7.0

PR-000441-L Provider ID

Authorized Signature liene Warner-Maron, PhD NHA

Date



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Kathlew Jonge class

Has Satisfactorily Participated in the Continuing Education Program

Introduction to Nursing Home Administration
The 120-Hour NHA Course:
Role of Government

And is Hereby Awarded this Certificate of Completion CEU 7.0

PR-000441-L

Provider ID

Date

Authorized Signature Ilene Warner-Maron, PhD NHA

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